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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF TEXAS:

BEING THE

SESSION OF THE FOURTEENTH LEGISLATURE

BEGUN AND HELD

AT THE CITY OF AUSTIN,

JANUARY 13, 1874



AUSTIN:
CARDWELL & WALKER, PRINTERS
1874.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

FOURTEENTH LEGISLATURE.

FIRST DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, January 13, 1874. }

The House of Representatives of the Fourteenth Legislature met at 9 A. M., and was called to order by W. C. Walsh, chief clerk of the House of Representatives of the Thirteenth Legislature. Prayer by Rev. John Lovejoy.

The roll was then called by districts, and the following members responded to their names:

Abner, David	Easley, Sam. A.
Anderson, B. B.	Eastland, James
Barziza, D. U.	Edwards, A. D.
Bean, Robert	Epperson, B. H.
Beck, Thomas	Farrar, L. J.
Brown, J. Frazer	Foote, G. A.
Brown, B. W.	Freeman, Jacob
Brown, Ed.	Gellatly, W.
Bruce, H. G.	Goodwin, G. I.
Bryan, G. W.	German, J. L.
Ballard, W. P.	Harris, J. W.
Cain, T. H.	Lawhon, L. S.
Cardis, Louis	Lindsey, W. M.
Chambliss, S. L.	Linn, E. D.
Cochran, J. H.	Massey, J. V.
Delany, W. S.	Matthews, G. W.
Denman, W. L.	McCuiston, M. H.
DeMorse, L. C.	McLeary, J. H.
Donald R. H.	Middleton, A. K.
Douglass, A. M.	Miller, W. G.
Harrison, J. M.	Moody, W. L.
Hart, A. J.	Murphy, P. F.
Hays, T. H.	Meissner, Max.
Helton, J. K.	Nicholson, A. J.
Henderson, J. B.	O'Neal, H. F.
Henderson, W. B.	Oxsheer, W. N.
Jackman, S. D.	Patrick, W. W.
Jenkins, C. S.	Patterson, G. W.
Johnson, F. L.	Pickett, G. B.
Kemble, J. W.	Price, R. J.
Kessler, A. L.	Rainey, Frank.

Reeves, Geo. R	Stephens, J. D.
Rogers, L. M.	Storey, L. J.
Rosborough, D. D.	Stewart, C. B.
Roberts, S.	Stuart, E. C.
Sadler, Ira B.	Swain, W. J.
Sayers, W. B.	Triplett, D. H.
Schmidt, E. F.	Von Biberstein, H. R.
Simpson, J. B.	Walker, T. J.
Smith, F. E.	Watson, John
Smith, S. Y.	Watts, P. S.
Smith, Tillman	Wortham, W. A.

A quorum being present, the oath of office was administered to the members by Judge L. Lindsey.

The election for Speaker being next in order, Mr. B. H. Epperson put in nomination Mr. Guy M. Bryan, of Galveston. Representatives Sayers, Cochran and Wortham were appointed tellers, and the vote having been taken, Guy M. Bryan was found to have received seventy-five votes and B. H. Epperson two votes, whereupon Guy M. Bryan was declared to have been duly and constitutionally elected Speaker of the House of Representatives of the Fourteenth Legislature.

Judge Lindsey then administered the oath of office, and the Speaker elect took his seat, and thanked the House for the honor conferred, in a brief and pertinent speech.

Gentlemen of the House of Representatives: If ever brevity was becoming on such occasions, it is most becoming now. For the honor you have conferred upon an old Texan, I humbly tender you the thanks of those who blazed and traced the way through a wilderness for settlement, founded government and established and sustained an independent republic in Texas; and who, from love of good government and the motherland, voluntarily and enthusiastically placed the flag of the Union over that of the Lone Star.

I thank you, too, in behalf of my constituency, a district historic in the past and

metropolitan in the present. I give you my own heartfelt thanks for your confidence in elevating me to the highest office in your gift—a confidence I prize, I hope I merit, I shall endeavor to retain.

I am fully aware of the difficulties that surround you and your Speaker. A faithful discharge of his duties requires in him justice, firmness, moderation and parliamentary experience. I have some claim to the latter, with which, and your kind aid and with your generous indulgence, I hope to assist your legislation in placing our political edifice on a secure basis. In doing this, however, let moderation and justice prevail in the discharge of duty. Let your acts be to all peoples in Texas the symbol of *good* government.

Mr. Swain offered the following resolution.

Resolved, That the House of Representatives now proceed to complete their organization by electing the following officers: chief clerk, assistant clerk, journal clerk, engrossing clerk, enrolling clerk, sergeant-at-arms, doorkeeper and assistant doorkeeper.

The resolution was adopted.

The rules of the House of Representatives of the Thirteenth Legislature were then adopted until further arrangements should be made.

The same tellers were continued.

Mr. B. H. Epperson then placed in nomination for chief clerk, W. C. Walsh, of Travis county. The vote being taken by ballot, W. C. Walsh was found to have received seventy-eight votes, and was declared duly elected, and the Speaker administered the oath of office.

J. F. Brown, of San Saba, then placed in nomination for assistant clerk, Thos. Pilgrim, of Travis. The vote being taken, Thos. Pilgrim was found to have received seventy-five votes, and was declared duly elected.

D. D. Rosborough then placed in nomination for the position of journal clerk, J. L. Cunningham, of Bastrop county. The vote having been taken, J. L. Cunningham was found to have received seventy-five votes, and was declared duly elected.

W. Gellatly then placed in nomination for the position of engrossing clerk, J. T. Polley, of Sabine county. The vote having been taken, J. T. Polley was found to have received seventy-four votes, and was declared duly elected.

Mr. J. W. Kemble then nominated for enrolling clerk G. N. Beaumont, of Navarro county. The vote having been taken, G. N. Beaumont was found to have received seventy-four votes, and was declared duly elected.

Mr. Wm. A. Wortham then nominated for sergeant-at-arms R. H. Beale, of Hopkins county. The vote having been taken,

R. H. Beale was found to have received seventy-nine votes, and — Killough—one vote; whereupon R. H. Beale was declared duly elected.

Mr. Henderson, of Smith, then nominated for doorkeeper R. P. Roberts, of Smith county. The vote having been taken, R. P. Roberts was found to have received seventy-nine votes, and R. J. Randolph one vote; whereupon R. P. Roberts was declared duly elected.

Mr. J. H. Cochran then nominated for assistant doorkeeper Gen. N. H. Darnell, of —. The vote having been taken, N. H. Darnell was found to have received seventy-seven votes, and was declared duly elected.

The officers elect then approached the stand, and the oath was administered by the Speaker.

Mr. Swain offered the following resolution.

Resolved, That the Speaker be authorized to appoint two pages and two porters, the rate of compensation not to exceed three dollars per day. Adopted.

Mr. Simpson offered the following resolution:

Resolved, That a committee of three be appointed to advise the Senate of the organization of the House of Representatives of the State of Texas. Adopted.

The Speaker appointed on said committee, Simpson, Sayers and Rainey.

Mr. Epperson offered the following resolution:

Resolved, That with the concurrence of the Senate, a joint committee of eight upon the part of the House of Representatives, and a like number on the part of the Senate, be appointed to wait upon the Governor, and inform him that the Fourteenth Legislature is now organized and ready to receive any communications from him. Adopted.

The Speaker appointed the following gentlemen said committee: Epperson, Harris, Sayers, Wortham, Henderson of Kendall, Kessler, Rainey and Brown of San Saba.

Mr. Stephens offered the following resolution:

Resolved, That the House proceed to elect a chaplain.

A message from the Senate announced that that body was organized and ready to proceed to business, and had appointed a committee of three to meet a like committee on the part of the House to wait upon the Governor and inform him of the organization of the Fourteenth Legislature.

Mr. Epperson moved to reconsider the vote adopting the resolution offered by himself of same purport. Carried.

On motion of Mr. Epperson the resolution was then laid on the table.

On motion of Mr. Epperson, the Speaker

appointed the following committee to act in conjunction with the Senate committee just announced to wait upon his Excellency the Governor: Messrs. Epperson, Harris and Sayers.

Mr. Johnson, of Shelby, offered the following resolution:

Resolved, That the chief clerk prepare the ballots that members may draw for seats at once. Adopted.

Mr. Stuart, of Falls, offered the following amendment: And that the ballots be prepared by districts. Adopted.

Mr. Kessler moved to reconsider the vote adopting the amendment. The House refused to reconsider. The drawing then proceeded.

The Speaker having announced that the drawing was complete, Mr. B. H. Epperson submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee appointed to wait upon the Governor, in conjunction with a like committee appointed by the Senate, to inform him of the organization of the Fourteenth Legislature, and that it was ready to receive any communication from him, have to report that they have performed the duty assigned them, and were informed by the Governor that he would reply to the committee in writing during the day, and before 5 o'clock P. M.

B. H. EPPERSON,
JOHN W. HARRIS,
WM. B. SAYERS,

Committee upon the part of the House of Representatives.

Mr. Simpson moved to adjourn to 3 P. M. Lost.

Mr. Sayers moved to adjourn to 9 A. M. to-morrow, which carried.

SECOND DAY

HOUSE OF REPRESENTATIVES, {
AUSTIN, January 14, 1874. }

House met pursuant to adjournment. Roll called; quorum present.

Absent—Kessler, Sayers, and Stewart of Montgomery.

The journal of yesterday was read and adopted.

Mr. H. Manning, of Freestone, came forward and took the oath.

The resolution offered by Mr. Stephens, providing for the election of a chaplain, was taken up and adopted.

Messrs. Sayers, Cochran and Wortham were appointed tellers.

Nominations being in order, Mr. Foote nominated Rev. John L. Lovejoy. Mr. Brown, of Gregg, nominated Rev. O. Fisher. Mr. Wortham nominated Rev. A. G. Stacy. Mr. Goodwin nominated Rev.

J. W. Phillips. Mr. Storey nominated Rev. John F. Hillyer.

Pending the nominations, Mr. Jeremiah Galvan, of Cameron county, came forward and was sworn in.

The ballot having been taken, Rev. John L. Lovejoy received 29; Rev. O. Fisher, 10; Rev. A. G. Stacy, 5; Rev. J. W. Phillips, 5; Rev. John F. Hillyer, 31.

No candidate having received the requisite majority, a second ballot was taken, and resulted as follows: Lovejoy, 31; Fisher, 6; Stacy, 2; Phillips, 4; Hillyer, 38. No election.

The names of Revs. Fisher, Stacy and Phillips were then withdrawn, and the third ballot was taken, with the following result: Lovejoy received 36 votes, Hillyer, 41; Fisher, 1. Whereupon Rev. John F. Hillyer was declared duly elected.

The Speaker appointed James Shephard and James Hardeman pages.

Mr. Goodwin offered the following resolution:

Resolved, That under the direction of the Speaker suitable seats be prepared for members and reporters of the press. Adopted.

Mr. G. R. Scott, of Burleson county, came forward and was sworn in.

Mr. O'Neal offered the following resolution:

WHEREAS, The Secretary of State is required by law to deliver to the Speaker of the House the official returns in the election for Governor and Lieutenant Governor, on the first day of the session of the Legislature; and —

Whereas, The Secretary of State has failed to comply with this provision of the law; therefore, be it

Resolved, That the Speaker of this House in his official capacity demand of the Secretary of State the said election returns.

Mr. Harrison offered the following substitute:

Resolved, That the Speaker of the House appoint a committee of three to wait upon the Secretary of State and demand that he furnish to the Speaker of the House of Representatives the returns of the election held on the second day of December last, now in his possession, for Governor and Lieutenant Governor, and other State officers, and the vote on the Constitutional Amendments, and that the committee report as early as practicable.

Mr. Rainey moved to amend the substitute by striking out the word "demand" and inserting in lieu thereof the word "request," and also by inserting after the word "Representatives" the words "at 3 o'clock P. M." Adopted.

Mr. Sayers moved to amend by striking out the words "and other State officers" and inserting the word "and" between Governor and Lieutenant Governor. Adopted.

The substitute thus amended was then adopted, and the Speaker appointed Messrs. O'Neal, Epperson and Harrison said committee.

Mr. Storey offered the following resolution:

Resolved, That until further arrangement the chief clerk be authorized to procure fuel, lights and stationery for the use of the House of Representatives. Adopted.

Mr. Linn offered the following resolution:

Resolved, That the chief clerk of the House be instructed to furnish, as soon as practicable, each member of this House with a copy of the rules of order as adopted on yesterday. Adopted.

Mr. Reeves moved to adjourn to 3 P. M. Lost.

Mr. Harrison moved to adjourn to 2:30 P. M., which carried.

AFTERNOON SESSION.

House met. Roll called; quorum present. Absent—Matthews, Murphy and Stewart, of Montgomery.

Mr. Epperson, on the part of the committee to wait upon his Excellency the Governor, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee who were appointed yesterday, in conjunction with a committee of the Senate, to wait upon the Governor and inform him that the Fourteenth Legislature was organized and ready to receive any communication from him, have performed that duty, and have received a reply in writing from the Governor, which they herewith submit.

B. H. EPPERSON,
Chairman House Committee.

EXECUTIVE OFFICE, }
AUSTIN, TEXAS, January 13, 1874. }

Gentlemen: In reply to your verbal communication made me to-day, I have to state that I do not think it advisable, or for the public good, that I should disregard the decision of the Supreme Court made recently, touching the late election, by officially recognizing the gentlemen you represent as being the constitutionally elected Fourteenth Legislature.

It seems to me that there is some better solution of this present difficulty than that the Governor and those claiming to be the elected Legislature should jointly combine to override the judiciary and disregard their construction of the Constitution. I must believe that such course will leave the door open for dangerous uncertainty in the future, both in the matter of authority to enact the legislation that may be proposed by the gentlemen you represent, and the

matter of constitutional existence of the highest tribunal of our State. There may be found two Supreme Courts and even two Legislatures claiming authority. It is even now claimed by some that the Thirteenth Legislature is at present the only legally existing Legislature, and that it only can constitutionally convene and provide for this emergency. It will then be only, after all, a settlement brought about by a species of revolution or violence as against the court making the decision.

It is true, it is easy enough, and it seems the simplest solution of the present difficulty, that we should jointly adopt that course, as the Supreme Court has no way of enforcing its decisions as against the Executive and Legislature combined, but I consider that in this case the easiest course is not one that I would like to be a party to. I will be happy to join you and the gentlemen you represent in applying the promptest and most feasible remedy in this difficulty. It has been repeatedly held that the recognition of Congress and the Executive of the United States will settle the question as to what body of men constitute the Legislature, and which is the proper State government. This may afford a solution to be accepted by all.

I am more free to act with independence in securing, with you or those gentlemen, that sort of solution, because I feel myself entirely disinterested herein. I accept the election, whether constitutional or not, as conclusive against myself, and will in no event continue to exercise the functions of the office I hold beyond my constitutional term of four years.

Very respectfully,

EDMUND J. DAVIS, Governor.
Hon. B. H. EPPERSON and other gentlemen of committees, present.

Mr. Sayers offered the following resolution:

Resolved, That a committee of five to act with a like committee of the Senate, be appointed by the House to take into consideration the answer of the Governor to the joint committee of the Senate and House, and to report as early as practicable what action is proper and necessary to be taken by the Legislature in view of such answer.

Mr. Kessler moved to amend by striking out five and inserting in lieu thereof twenty. Lost.

The resolution was then adopted.

The Speaker appointed the following gentlemen said committee: Epperson, Barziza, Harris, Sayers and Delany.

Mr. Epperson submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, appointed to wait upon

the Secretary of State, and request him in writing to deliver to the Speaker of the House of Representatives the returns of the vote for Governor, Lieutenant Governor, and on the constitutional amendments cast at the election held upon the second of December, 1873, have performed that duty, and herewith submit a copy of their letter to the Secretary of State, and his reply thereto, from which it will be seen the Secretary refuses to deliver the returns of said election to the Speaker.

B. H. EPPERSON,
Chairman.

Hon. James P. Newcomb, Secretary of State:

The undersigned have the honor to submit to you a copy of a resolution this day passed by the House of Representatives, and to respectfully ask your compliance therewith. Please answer in writing at your earliest convenience.

We are, very respectfully, your obedient servants,

B. H. EPPERSON,
H. F. O'NEAL,
J. M. HARRISON.

DEPARTMENT OF STATE, }
AUSTIN, January 14, 1874. }
To B. H. Epperson, H. F. O'Neal and J. M. Harrison:

Gentlemen: In response to your demand for the returns of the election held in December last, for Governor, Lieutenant Governor, and constitutional amendments, I have to reply, such returns are in my office, but I believe it to be my duty to refuse to report the same, or deliver them to the body you represent, until the Executive of the State has recognized you as the Fourteenth Legislature. Respectfully,

JAMES P. NEWCOMB,
Secretary of State.

The report of the committee was received.

Mr. Johnson, of Shelby, moved to refer the report of the committee to the committee appointed to confer with the Senate committee upon the answer of the Governor. Carried.

Mr. Barziza offered the following resolution:

WHEREAS, The Secretary of State has refused to deliver to the Speaker of the House of Representatives the returns of the election held December 2, 1873, for Governor, Lieutenant Governor, and the constitutional amendments; therefore, be it

Resolved, That a committee of seven be appointed by the Speaker, whose immediate duty it shall be to arrive at and determine the result of the returns of said election for Governor, Lieutenant Governor and the constitutional amendments from such sources and by such means as may be deemed best and most practicable by said

committee, and said committee shall report their action to this House at as early a period as is possible. Said committee may employ all necessary clerks and messengers, and may invoke the power of the sergeant-at-arms, and assistant sergeant-at-arms, and other officers of this House, to aid said committee in the discharge of their duties; and said committee shall have power to send for persons and papers anywhere in this State. All process issued by said committee shall be directed to the sergeant-at-arms, or any assistant sergeant-at-arms of the House of Representatives, and shall be signed by the chairman, and at least one other member of said committee, and shall be executed by the sergeant-at-arms or any of his assistants.

Yeas and nays being called for, resulted thus:

Yeas — Messrs. Anderson, Barziza, Brown of San Saba, Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Gellatly, Goodwin, German, Harris, Harrison, Hart, Hays, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Middleton, Miller, Moody, Murphy, Meissner, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Walker, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Von Bibérstein, Watson, Watts and Wortham — 72.

Nays — Messrs. Abner, Bean, Brown of Harrison, Beck, Freeman, Galvan, Jackman, Reeves, Roberts and Walker — 10.

Whereupon the resolution was adopted, and the Speaker appointed the following gentlemen said committee: Messrs. Barziza, Rainey, Moody, Simpson, Kessler Reeves and Linn.

The committee were granted leave to sit during the sessions of the House.

Mr. Kemble was excused for three days, beginning with the fifteenth, on account of important business.

A message was received from the Senate announcing the appointment of a committee of three to take into consideration the reply of his Excellency the Governor, and requesting a like co-operative committee on the part of the House.

Mr. Wortham offered the following resolution:

Resolved, That this House do now proceed to the election of one assistant sergeant-at arms. Lost.

On motion of Mr. O'Neal, the House adjourned until 10 o'clock A. M. to-morrow.

THIRD DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 15, 1874. }

House met. Prayer by the chaplain.
Roll called; quorum present.

Absent—Messrs. Swain and Watson.

Messrs. J. T. Smith of Houston county, and John Mitchell of Washington county, came forward and took the oath as members of the House.

The journal of yesterday was read and adopted.

Mr. Storey moved that a committee of five be appointed to revise the rules of the House preparatory to printing the same. Carried.

The Speaker appointed the following gentlemen said committee: Messrs. Storey, Rainey, Sayers, Epperson and Harris.

On motion of Mr. Storey, the rules were suspended by unanimous consent to allow the introduction of a petition relative to the seat held by S. Y. Smith of Walker county, and asking an investigation to determine the rightful occupant of the same, said petition coming from the sitting member.

On further motion of Mr. Storey, the Speaker appointed the following committee to consider said petition and take any further action deemed necessary: Moody, Storey, Barziza, Manning and Sadler.

On motion of Mr. Epperson, the House adjourned to 3 P. M.

AFTERNOON SESSION.

House met. Roll called; quorum present.

Mr. Epperson submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, appointed by the House to act in conjunction with a like committee on the part of the Senate, for the purpose of taking into consideration the answer of his Excellency the Governor to the joint committee appointed by the House and Senate to inform him of the organization of the Fourteenth Legislature and to report what action is necessary and proper under the circumstances, beg leave to submit the following:

They recommend that the Legislature proceed to count the vote for Governor and Lieutenant Governor, cast at the election held on the second day of December, 1873, and declare the result, and as soon thereafter as practicable proceed to inaugurate the Governor and Lieutenant Governor elect.

Your committee deem it proper to announce in this report, in reference to the term of office of Governor Davis, that it is the unanimous opinion of members composing

the committee that the term of office of the Governor commenced on the day of his election and will expire as soon as the Governor elect is qualified.

Respectfully submitted.

J. E. DILLARD, Chairman,

A. J. BALL,

W. D. WOOD,

D. B. CULBERSON,

Senate Committee.

B. H. EPPERSON, Chairman,

JOHN W. HARRIS,

W. S. DELANY,

WM. B. SAYERS,

House Committee.

The report was unanimously adopted.

Mr. Sayers offered the following resolution:

Resolved by the House of Representatives of the Fourteenth Legislature of the State of Texas, the Senate concurring, That the Speaker of the House of Representatives shall open and publish, in the presence of both Houses of the Legislature, the returns of the election held on the second day of December, 1873, for the offices of Governor and Lieutenant Governor, and declare the result thereof. Unanimously adopted.

Mr. Sayers offered the following resolution:

Resolved, That the Senate is invited to meet the House of Representatives in this hall this evening, when the returns of the election held on the second day of December, 1873, for the offices of Governor and Lieutenant Governor are opened and published, and the result thereof declared. Adopted.

Mr. Barziza, chairman of the committee to obtain the returns of the election held December 2, 1873, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee appointed yesterday to determine and arrive at the election returns for Governor, Lieutenant Governor and the Constitutional Amendments, report, that they have been almost incessantly engaged in preparing a tabular statement of such returns, gathered from all sources accessible to said committee; that during the preparation of said tabular statement, the committee, determined to exhaust all means in their power to procure the official returns, concluded to instruct the chairman to address and deliver in person to Governor E. J. Davis the following communication:

Governor E. J. Davis:

Sir—The House of Representatives of the Fourteenth Legislature yesterday, passed the following resolution:

Resolved, That the Speaker of the House appoint a committee of three to wait upon

the Secretary of State and request that he furnish to the Speaker of the House of Representatives, by 3 o'clock P. M., the returns of the election held on the second day of December last, now in his possession, for Governor and Lieutenant Governor, and the vote on the constitutional amendments, and that the committee report as early as practicable.

The committee appointed under said resolution, have instructed me to address to you this communication, and request you as the Chief Executive of the State to direct the Secretary of State to deliver to the Speaker of the House of Representatives, or to this committee, the returns of the election held December 2, 1873, in accordance with a law recommended and approved by you, and in accordance with your proclamation.

In reply to a demand by the House of Representatives for such returns, the Secretary of State refuses to deliver them until you recognize the Fourteenth Legislature. The Secretary of State being an officer of your own appointment and amenable to your directions and orders, this committee have deemed it proper to invoke your aid in this respect so that the laws relating to this matter may be "faithfully executed." If the views held by you resulting from the late opinion of the Supreme Court be correct, the delivery of the returns cannot affect the status of yourself and others interested, while the withholding of them may tend to further complications, and may entail considerable expense upon the State in procuring them from other sources.

In view of the circumstances, the committee trust that you will comply with this request.

Yours, respectfully,
D. U. BARZIZA,
Chairman of Committee.

In obedience to the instructions of the committee, the chairman proceeded to the Governor's office in the Capitol, and delivered to him the above communication. After reading the same, Governor Davis remarked, substantially, that he had no objection to the returns being taken, but that he did not consider the committee or the body they represented as entitled to them, and if they were taken, it should be under the protection of the Secretary of State, the then present custodian; that, by the getting possession of the returns by the committee, he did not mean to acknowledge their right or the right of the body represented by their committee to demand and take them, and that he was in no wise to be bound by this act of the committee; that the returns were in the way; and that the chairman could go into the Secretary's office and take them upon his own accord, but under protest.

Whereupon the chairman turned to Hon.

James P. Newcomb, Secretary of State, who was present, and asked him if he would accompany him to the Secretary's office; the Secretary of State replied that he would, but remarked that the returns for the other State officers, other than for Governor and Lieutenant Governor and for the Constitutional Amendments, would not be delivered by him to any Legislature legally or illegally authorized to assemble; that the Constitution and laws required him to deliver the returns of the votes on the amendments to the Governor. The Secretary of State proceeded to his office accompanied by the chairman, and pointing out to the chairman a desk, remarked that the package containing the returns of the late election for Governor and Lieutenant Governor was in that desk; whereupon the chairman opened the desk which was unlocked, and took out the package, and requested the Secretary of State to seal up the ends of the package, which was done, which sealed package is now delivered to the Speaker of this House.

The Secretary of State wrote out the following protest, attested by witnesses:-

"DEPARTMENT OF STATE,
"AUSTIN, January 15, 1874."

"This day, the fifteenth of January, D. U. Barziza did enter my office and take from thence a package of documents purporting to be election returns for Governor and Lieutenant Governor, without my consent, and against my protest.

"JAMES P. NEWCOMB.

"Witnesses:

"J. E. OLDRIGHT,

"A. M. COX,

"FRED. N. DAVIS."

All of which is respectfully submitted.

D. U. BARZIZA, Chairman.

FRANK RAINEY,

G. R. REEVES,

W. L. MOODY,

JAMES B. SIMPSON,

A. L. KESSLER,

E. D. LINN.

On motion of Mr. Harrison, the report was adopted.

On motion of Mr. Storey, the House took a recess of ten minutes to prepare for the reception of the Senate.

At the close of the recess, the House was called to order by the Speaker. The Senate being announced, were admitted and occupied seats prepared for them. The rolls of the Senate and House respectively being called, a quorum of each was found to be present.

The President of the Senate appointed as tellers on the part of the Senate to count the returns for Governor and Lieutenant Governor, Senators Hobby and Russell.

The Speaker appointed on the part of the House of Representatives, Messrs. Epperson, Sayers and Moody.

The Speaker then opened the returns and delivered them by counties to the tellers who announced the vote.

The vote having been cast up the Speaker announced that

FOR GOVERNOR

Richard Coke had received . . . 85,549 votes.
E. J. Davis had received . . . 42,633 votes.
And in compliance with his constitutional duty and by direction of the Legislature, declared Richard Coke Governor of the State of Texas for four years from the date of his installation.

The Speaker then further announced that

FOR LIEUTENANT GOVERNOR

R. B. Hubbard had received . . . 86,825 votes.
R. H. Taylor had received . . . 42,812 votes.

Whereupon, in compliance with his constitutional duty, and by direction of the Legislature, he declared R. B. Hubbard Lieutenant Governor for the State of Texas for four years from the date of his installation.

Senator Dillard, in behalf of the joint committee of both houses, announced that that committee had determined, in view of all the circumstances, that the Governor and Lieutenant Governor elect should be immediately inaugurated, and moved the appointment of a committee of three Senators to act with a like committee on the part of the House, to conduct the Governor and Lieutenant Governor elect to the Speaker's stand. The motion carried.

Mr. Sayers moved the appointment of a like committee on the part of the House, which carried, and the Speaker appointed Messrs. Sayers, Harris and Epperson said committee.

The President of the Senate appointed Senators Dillard, Swift and Ledbetter.

The joint committee conducted the Governor and Lieutenant Governor elect to the Speaker's stand, whereupon Judge L. Lindsey administered the oath of office to Richard Coke as Governor and R. B. Hubbard as Lieutenant Governor. Governor Coke then delivered his inaugural address.

Fellow-citizens of Texas: After passing through many vicissitudes and trials, and being chastened in the ordeal of adversity, you at length have reached the haven where the rights and powers of self-government are yours, and the duties and responsibilities of that condition are devolved upon you. To-day, for the first time since she emerged from the ruin and disaster of the great civil war, Texas sees the inauguration in her Capitol of a government chosen by the free and untrammelled suffrage of her people, having their confidence, and looking to them for support and accountability. Let the heart of the patriot throb with joy, for the old landmarks of constitutional, representative government, so long lost, are this day restored, and the ancient liberties

of the people of Texas re-established. The virtue and intelligence of the country, no longer ostracised, now wield their legitimate influence, and the government of Texas henceforth is to be administered in the interest and for the benefit of the people, and to reflect their will. I congratulate you, fellow-citizens upon this grand consummation, upon your restoration to that which is the birthright of the people of every State in this great Republic—the right of local self-government; a right reserved by each of the several States when they formed the Union, and created the Federal Government. The right which reserves to the States respectively the power to regulate and control their internal and domestic affairs, and so to shape their policy and direct the operations of their government, as to give scope and development to the inclinations and genius of their people. The wise founders of our government foresaw that over so vast an expanse of territory, so diversified in climate, soil, production, and population, perpetual jarring and discord would ensue, arising out of the different, and in many cases conflicting, interests and views of the various States, if the notions of proper public policy of any one or more of the States should be enforced on another State, contrary to its own opinions of what was best for its interests. Hence the fundamental idea, which underlies the Federal constitution, is a recognition of the perfect right of each State in its own way to work out its own destiny, and seek the prosperity and happiness of its people, subject only to the requirement that its government shall be republican in form, leaving to the general government the care and control of all matters pertaining to the common interest and general welfare of all the States. This wise distribution of power leaves in the State governments respectively, which are immediately under the influence and control of the people, and reflect directly the popular will, jurisdiction over the nearest and dearest rights of the citizen to regulate his conduct, the use, possession, title, and descent of his property, his duties as a member of society, in fine, to govern him and his family, his home and his fireside, in every particular wherein the interests of society require that they shall be governed. How indispensable to the liberty of the citizen it is that the government which thus controls and deals with his person and property should be near him and directly accountable to him. On the other hand, to the Federal government, which is more remote, inaccessible, and therefore not so directly accountable to the people, is delegated power over matters that do not so nearly concern the people, in which they are not so directly and person-

ally interested, but in which the people of all the States have a common and general interest. Under our Federal constitution these two powers are so adjusted as to work in perfect harmony, each achieving in its appropriate sphere the desired result, and the two combined constituting that grand fabric of free government which is the pride and boast of every American citizen. In this plan of government, the wisest ever devised by the ingenuity of man, the right of local self-government, so indispensable to a preservation of the liberties of the people and to their material prosperity, is the fundamental principle. In virtue of it, each State, being free to pursue its interests and the happiness and prosperity of its people, according to its own ideas of proper policy, possesses opportunity and margin for development and advancement, which is limited only by its resources and the wisdom of its government and people. Having an equal voice through its representatives in the administration of the Federal government; sharing its burdens and its benefits alike with its sisters, and having with them a common interest and a common pride in its greatness and power, its beneficence and care, each State may in the career chosen by the will of its people speed onward to the fulfillment of its destiny; while the Federal government uniting in itself the combined effort of all the States, receives momentum from its constituents and represents within its constitutional sphere the aggregate greatness and power of them all. The adoption of the thirteenth, fourteenth and fifteenth amendments to the Federal constitution, which are as binding as if promulgated in the original instrument, has taken from the States and vested in the Federal government, powers formerly residing in the States, and it is true that in the operative agency of the Federal government there is a natural tendency to an absorption of power from the States, which tendency was greatly stimulated during our civil war and has grown constantly since. Still the essential principles of local self-government remain to the States respectively untouched; and now that slavery and secession are dead and buried beyond the possibility of resurrection and no sectional question disturbs the public mind; since the States recently undergoing reconstruction have been restored to their constitutional relations with the Federal government, and the people remitted to their original rights and duties; since a true and lasting peace has come, and the power and authority of the Federal government, within limits which cover all the issues of the war, have been amply vindicated, and are acknowledged by all; since it is the inherent right of every American citizen to do so in the interest of good government,

has not the time arrived when, without being obnoxious to the charge of disloyalty, we may recur to original principles on which the government was founded, discuss them among ourselves, and base our political action upon them? Is it inconsistent with a patriotic devotion to the Union and the Constitution to do so? Is it not rather the highest duty of the citizen to study and understand the principles of the government under which he lives, and in defense of which, if necessary, he should lay down his life? If, while perpetuating the Union, we, at the same time, would preserve the right of local self government in the States from the dangers which menace it in the constantly growing process of centralization, we must exert such political influence as we have, for the protection of that priceless heritage, and this we can only do by recurring to the principles of the Constitution, invoking a strict adherence to them in the administration of the government, and making them the basis and guide of primary popular action. If the original framework of our government and the fundamental canons of the Constitution are to be preserved, and handed down to our posterity, as we received them, we must appeal to the virtue and intelligence of the voting masses of the people. They sometimes, under the influence of excitement, passion, or feeling, go astray, but their sober second thought is the perfection of human wisdom, and ever brings them back to the maintenance of correct principle and good government. In every section and quarter of this great republic evidence of this fact is being given in manifestations of popular enthusiasm and determination for a return to honesty and economy and the limitations of the Constitution in the administration of the government. In his disposition of the American people to return to old constitutional landmarks so soon after the subsidence of the great civil strife, which caused a departure from them, we recognize the popular instinct which tolerated what the necessities of the times demanded, but keenly appreciate the fact that the necessity no longer exists, and demands a restoration of government, based on fixed principles. The patriotic believer in republican representative government finds in this manifestation abundant cause for rejoicing, because he sees in it that conservative quality of the popular mind and heart which is the surest guaranty of the stability and permanence of our institutions. Opposing political parties, aspiring to the control and direction of the government have existed under every limited government in the world, and will always exist. In a government like ours, they are a necessary consequence. When based on principle and the advocacy

of great measures of public policy; when they demand popular confidence and support on account of the excellence of their respective theories of constitutional construction; when "measures, not men," is in truth their controlling idea, they constitute the staunchest prop, the most powerful element of support, and the most effective preservative of constitutional governments to be found in the organization of our society. The masses of the people are educated by them to an understanding of the principles of the government. But when abandoning or ignoring principle, political parties become the mere partisans of men in their scramble for power and place, they are hurtful and demoralizing to government and people, and a bane and curse upon the country. This is not a country for personal parties and personal issues. In the empires and kingdoms of the old world, where opposing dynasties marshal their adherents in contests for crowns and sceptres, each claiming to be master of the people by divine right, such parties are legitimate, because in full accord with their theory of government. But here where the people are sovereign and the Government constitutional, where all men are free and equal, and where, in a great measure, the preservation of our peculiar form of government, and with it the liberties of our people, depend upon the policy and measures of administration and the principles which guide and control it, no party should be trusted with power which does not boldly avow and blazon on its banners its leading principles and measures of policy, and ask for them the popular indorsement and approval. The great civil war with its madness and passion is a thing of the past, while patriotism, broad and comprehensive as our common country, now possesses the hearts of our people. Reason and cool unclouded intelligence have resumed their sway. Henceforth acrimony and bitterness and appeals to prejudice and hate in political contests must give way to enlightened discussion of the element and principles of government; and the party which would propitiate popular favor must achieve that result by appealing to the sober judgment and intelligence of the people and through the excellence of its principles and plan of administration. Hence, I repeat, the time has arrived when the people of Texas, recurring to fundamental principles and drawing new inspiration from them, should base their political action on them and demand of their servants a strict adherence to and observance of them in their official conduct. The limitations of the Constitution observed, and the rights of local self-government preserved, as it now exists, from further encroachment, the future is bright with promise of stability for the gov-

ernment and happiness and prosperity for the people. Let the people be true to themselves, and exercise with intelligence, with watchfulness and care, their elective franchise—demanding, as a condition to a bestowal of place and trust and power, capacity, unsullied honor and integrity, and unswerving devotion to the principles and inner spirit of the Constitution—and our government, the freest on earth will go down, and carry its blessings to our remotest posterity. Under it, the inestimable boon is now ours of seeking the progress, development and advancement of Texas, and the happiness and prosperity of our people in our own way. The genius, tastes, sentiments, feelings, and will of the great mass of the people of Texas, will find expression in the administration of their State government, and the destiny of Texas, her glory and her history, will be the work of her own people. We have the fairest land that the sun of heaven shines on, rich in all the elements of greatness, in vastness and extent, in fertility of soil, in variety of climate and productions, in ore and mineral, in beauty and grandeur of scenery, and in salubrity and healthfulness, and richer still in the heroic history of its people. This glorious land is ours. Forgetting the troubles and adversity of the past, except the lessons of wisdom to be drawn from its bitter experience, and remembering only its glories, let us in the spirit of true statesmanship look to the future which lies bright before us, beckoning us on to a higher and more advanced civilization, to progress, development, prosperity and greatness, and by seizing the opportunities in our reach show that we are worthy of our magnificent country, and of the heroes and statesmen who won and transmitted it. With firm reliance on the capabilities of our people, an unfaltering faith in the greatness of the destiny of Texas, and a determined purpose to reach the highest excellence in all that pertains to her development, and to the material prosperity, and moral, intellectual and political advancement of her people, let us mould the action of our government to the achievement of these grand results. Let our watchword be progress,—and I mean by progress that vigor which may be imparted to the natural growth of Texas by skillful and generous cultivation; the policy which is broad and comprehensive enough in its sweep to discern and utilize all the resources of the State—which leaves none of its wealth unmined and none of the elements untouched which may be used in building up its greatness, that healthy, steady, sturdy advancement which is born of intelligent, considerate, persistent effort to be up and abreast with the times in all that is good and great, and which

carries along with it increased and increasing prosperity and elevation to both State and people. The great purpose embraced in this idea should animate our people and pervade all departments of our government. We should mature, adopt and pursue an educational policy, an internal improvement policy, an immigration policy, and a financial policy, each to be improved as time and experience may suggest, and as the changing conditions of the State may require. With a common free school system which shall secure to every child in the State an education fitting him for the high duties of American citizenship, an immigration policy which shall make known to the world the unrivaled advantages of Texas, her liberal homestead laws, and the cheapness of her rich and productive lands, the remunerating prices of labor, the healthfulness of her climate, the magnificent rewards of thrift, energy and industry, within her limits, and by appropriate legislation stimulate and increase the steady and swelling tide of enterprising, thrifty and intelligent population, now pouring into her borders from every quarter of the old and new world; a wise and liberal policy, which shall invite the investment of capital in works of internal improvement, especially in the construction of railroads, by giving ample margin for profit, and by friendly and just legislation inspiring confidence in the good will of our people towards such enterprises, now so absolutely essential to the growth and development of Texas, reserving at the same time such powers over them as will surely subordinate them to the will, interests and supremacy of the people; and with a financial policy running parallel with a strictly economical and thoroughly honest administration of the government, which shall reduce taxation to the lowest figure adequate to the expenses of the government, the prompt payment of the public debt and the preservation unblemished of the credit of the State—to these I will add a system which will supplement the efforts of the Federal government for the protection of our suffering frontier, and give that protection to the inhabitants of that portion of the State to which they are clearly and justly entitled, thereby opening up an area of magnificent territory to settlement and productiveness, while discharging a high obligation to the frontier people; with the inauguration and steady, judicious prosecution of these lines of policy, Texas will develop, in the near future, a greatness truly magnificent. Wealth, population and political power will flow in upon us, and every interest and industry will be buoyed in the rising tide of the country's prosperity. Let us be true to ourselves and posterity, and use with wisdom the munificent gifts bestowed upon us

by a kind Providence, and we will reap the rich reward of our efforts in the prosperity and happiness of our people and the greatness and glory of our beloved State.

We must remember that this is an eminently practical era. That abstract principles, barren of practical results, find no favor in the popular mind. The people demand facts, results. The world is moving around them and if they stand still, the party in power will justly be held responsible. They cannot see the excellence of principles which keep them in the rear while others are advancing in the general march of improvement. Hence the political party which would commend its principles to popular favor must show by its works, by the results it accomplishes when in power, that it stands upon no platform of dead abstractions, but upon living, moving principles, in full harmony with the spirit of the age, having the power of expansion and adaptation to the changing conditions of society, fully capable of meeting its wants and responding to its demands in all the phases it may assume. A government adhering in its operations closely to constitutional restrictions, marked by vigor of administration, as well as the strictest honesty and economy; giving perfect protection to life, liberty and property, by a vigorous enforcement of the laws; advancing the moral and intellectual condition of the people by means of common free schools; filling the country with population by means of an immigration policy which shall actively promote the object; liberally fostering by friendly legislation the construction of railroads which shall give rapid and cheap transportation to the production of the country; and maintaining the honor and credit of the State by paying the public debt, and incurring no debt in future, without at the same time providing a specific fund for its payment, is demanded by the times and the people of Texas, and nothing less will satisfy them. Let us respond fully to this call of duty and patriotism, and prepare to acquit ourselves of the duties and responsibilities now devolving, and to be devolved upon us, in such manner that hereafter when the great tribunal of the people shall pass judgment upon our acts, it shall find not only their liberty preserved, but their material prosperity and the power and greatness of the State advanced.

The attainment of these grand results need involve no accumulation of public indebtedness, or the imposition of further burdens upon our people. On the contrary, a careful administration of our government, added to a prudent husbanding of our resources, and due attention to proper retrenchment of all unnecessary expenditures, will enable us to secure not only these but other blessings to our State and people, and

at the same time enable us to take from their shoulders a large portion of the load of taxation now resting on them. The healthy development superinduced by a wise administration of these essential measures will add new sources to our revenues each day, and thus in a manner furnish the means necessary for their due execution. Demanded alike by the exigencies of the hour and the united voice of our people, their successful inauguration must command our early and assiduous attention and our most untiring energies. Standing to-day in the threshold of a new era in the history of our State, our thoughts naturally recur to the past with its checkered vista of storms and sunshine. We remember the privations, hardships, struggles and victories of the fathers, the gradual advancement of civilization and the building up of waste places, the development of our resources, the increase of population, and we look around us to-day and find, as a reward for steadfast devotion and constant toil and effort, a State the peer of any in this proud commonwealth of States. We love Texas because we have, day by day, watched her growth and contributed in part to her development. It is the home of our nativity or adoption, and we cheerfully lay upon her altar the purest treasures of our hearts' devotion. Her government and the administration of her laws receive our most zealous watchfulness, because committed to our hands by her people. But we do not forget that a part of our sovereignty is lodged elsewhere, and that as patriots we owe duties and obligations to another authority, which in its sphere equally demands our loyalty and devotion. As Texans we stand by Texas, as American citizens we stand by the Union, and are prepared to peril our lives in defense of our national government, its interests and its honor, as Texans have done before. Its interests are ours, its prosperity is ours, and to us belongs a part at least of its glory and its greatness. Side by side with our sister States, we have labored for the achievement of a common result—the development and advancement of our common country. And Texas will prove no laggard in the race, but with the stride of a young giant, will press forward to the fulfillment of her every duty.

Fellow-citizens of Texas, this day I assume the high trust to which you have called me. Chosen by a portion of my fellow-citizens of one political belief, I am not unmindful of the fact that others of a different faith are citizens of Texas and equally entitled to the benefits and blessings of good government. We must forget the passions and prejudices of the past, and vie with each other only in a generous emulation to subserve the true interests of our

glorious State. Invoking the charity and forbearance of my fellow-citizens, and humbly asking the favor and guidance of Almighty God, I announce to you my acceptance of the responsible duties devolved upon me, and my unwavering determination, so far as in me lies, to so discharge them that the interests and liberties of our people will be protected and preserved, and the honor and glory of Texas advanced.

After which Lieutenant Governor R. B. Hubbard proceeded to address the Senate, House of Representatives, and citizens present.

Senators and Representatives of Texas: Assuming the office of Lieutenant Governor at a grave and perilous crisis in the history of Texas, and invoking the favor of God for the future, I greet you, Senators, at the beginning of our joint labors and responsibilities.

I approach the discharge of the high duties imposed upon me as the presiding officer of the Senate with a full consciousness of the difficulties of the position, earnestly inviting from the honored representatives of the people their forbearance and co-operation.

It shall be my aim, as it is my pledge, to act conscientiously and impartially, knowing no party or sect in the official discharge of the trust reposed in me by the people of Texas.

You have come up, Senators and Representatives, to this capitol fresh from the people, to reflect and execute their known will on great issues expressed at the ballot, as well as to guard and protect and develop all the great political and material interests of the commonwealth.

It is unnecessary that I should remind you in whose hands have been placed so momentous a trust, the necessity of caution and mature and patriotic deliberation in council. The passions and prejudices excited in the heat of great political contests, such as we have but recently witnessed—the fierce invectives of the hustings, or of the press, should be laid aside, if not forgotten, in the presence of the grave and exalted duties devolved upon the legislator, sworn to represent and support the Constitution and laws, and to protect the interests of the whole people.

But we would be untrue to our constituency, representing as we do the clearly expressed will of the people of Texas, should the law-making power of the government fail to redeem their pledges to the people by the enactment of such laws as will give force and power to the popular will, and restore peace and quiet, protect person and property, life and liberty—develop our wonderful material resources, and which will secure purity and ability in all the depart-

ments of our State government, legislative, executive and judicial. I stand in the presence of a body of representative men in whom the people may well have confided so great and so sacred a trust. Some of you stood by the Republic of Texas at its birth, saw on the historic field of San Jacinto our star rise from a night of darkness and of storms. Many of you, more than a quarter of a century ago, were engaged in the service of the young and struggling State, in its counsels, and guarding the frontiers when this capital itself was on the wild border.

Others of you, in more recent periods, have adorned the bench and the forum, represented the people in the legislative counsels of the commonwealth—whilst all have received the endorsement of a great people for distinguished capacity, experience and integrity in the public service. To such a presence, I repeat, I do not feel called upon, nor does the occasion require of me to advise any course of State policy, save that which is dictated by your own wise judgment and a devoted love for Texas.

You represent a State magnificent in dimensions and resources, rich in all the elements of mineral, agricultural and commercial power and prosperity. You represent, likewise, more than a million of people, who, by their enterprise, toils, and daring have removed our frontiers from the Sabine almost to the Rio Grande, within two decades, and who have so developed our resources, that to-day we exercise a controlling commercial and political power in the American Union. Such a constituency impose grave and solemn responsibilities. But we are yet only in the infancy of our progress; a noble and vigorous manhood awaits the wise statesmanship of our legislators, and a just administration by the chosen rulers of the people. To foster a just and beneficent system of internal improvement; preserving the people from extortion and monopolies on the one hand and giving liberal encouragement to the investment of capital on the other; to foster immigration so that our vast solitudes may be filled by the coming millions from the worn-out lands of the old world and the new; to protect our frontiers under wise and wholesome laws from the ruthless savage; to organize a judicious system of common school education, so that in due time the children of the State, poor and rich, may reap the fruits of the labors of the fathers of the republic when they founded a magnificent school fund for their posterity; to inaugurate economy in the government, reducing taxation, while we, at the same time, preserve our honor and integrity and plighted faith; these are some of the chiefest of the many subjects gravely demanding legislation. The opportunity and

duty are ours in conjunction with the other branches of the government to inaugurate a new era of efficiency and prosperity in the State. A majority of nearly fifty thousand of her sons in the great civic contest through which we have just passed, proclaims that of those to whom much has been entrusted, much will be required. For the first time in many years the government of Texas, by the fairest constitutional expression of the popular will, in all its departments is placed once more in the hands of the real representatives of the people. Let us so use that power that the bitterness and controversies and passions of the past may be forgotten in a common union and in a common brotherhood of sentiment for the honor and glory of Texas.

Emerging, in company with our sister States of the South, from great disasters, stricken with sorrows, borne down in the unequal contest, mutilated, poverty-stricken—a stainless, fadeless honor crowns her brow, still radiant with courage and hope.

Standing as we do in the presence of the mute memorials of our country's honor and glory—speaking from yonder monument in the vestibule of this Capitol, erected to the memory of the martyrs of liberty, and from the breathing canvass on its walls, telling us of the "heroic age" in our history—let us invoke the aid of that Providence whose sway is justice and "who ruleth in the counsels of men," that no false or faltering step may be taken in the path of honor and of duty.

At the conclusion of which, on motion of Senator Erath, the Senate retired to its own chamber.

On motion of Mr. Harris, the House then adjourned to 10 A. M. to-morrow.

FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 16, 1874. }

House met. Quorum present.

Absent—Messrs. Beck, Farrar, Miller, Patrick, Price, and Stewart of Montgomery.

On motion of Mr. Foote, Mr. Donald was excused on account of sickness.

The journal of yesterday was read and adopted.

Mr. Epperson offered the following resolution.

Resolved, That the Speaker be authorized to appoint such number of assistant sergeants-at-arms as he may deem necessary to maintain order, and to retain them for such time as he may think necessary.

Adopted.

The Speaker appointed Messrs. W. P. Hardeman, W. N. Hardeman and John F.

Ford assistant sergeants-at-arms, who came forward and were sworn in.

Mr. Linn offered the following resolution:

Resolved, That the chief clerk of the House be hereby instructed to have ten thousand copies of Governor Coke's inaugural address printed for distribution.

Mr. Triplett moved to amend by inserting after the word "copies," the words "and five thousand copies in German." Adopted.

Mr. Epperson moved to amend by inserting after the word "address," the words "and the same number of the inaugural address of Lieutenant Governor Hubbard." Lost. The resolution was then adopted.

On motion of Mr. McLeary, the vote adopting the resolution was reconsidered.

Mr. Kessler moved to amend the resolution by inserting after the words "ten thousand copies," the words "in English," and by striking out the word "five," and inserting in lieu thereof "three." Carried. The resolution was then adopted.

The Speaker announced the following committees;

On Engrossed Bills—Messrs. Storey, DeMorse and Goodwin.

On Enrolled Bills—Messrs. Linn, Rainey and Pickett.

Mr. Alf. Thurmond was appointed special sergeant-at-arms, and sworn in.

The committee to revise the rules of the House submitted the following report, which was read and adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee appointed to revise the rules of the House, instruct me to report the following amendments and alterations of the printed rules heretofore adopted, and recommend that the rules so amended be adopted as the rules for the government of the House:

1. Amend rule 44 so that it shall hereafter read as follows, viz.: "44. The previous question shall be put in this form: 'Shall the main question be now put?' It shall only be entertained when seconded by ten members present, and when carried its effect shall be to put an end to all debate, and bring the House to a direct vote, first, upon the pending amendment, and so on back to the first amendment offered; second, upon amendments reported by a committee, if any; and third, upon the main question."

Amend rule 81 so as to hereafter read as follows, viz.: "81. Reports of committees shall be signed by the chairman, or chairman *pro tem*, as the case may be."

Respectfully submitted,

L. J. STOREY, Chairman.

A message from the Senate announced the passage by that body of the following bills.

"An act to prevent sheriffs and other persons from paying over to G. W. Honey or

A. Bledsoe, or to any person for them, any money or public funds;" and "An act to prevent G. W. Honey and A. Bledsoe and others, from paying out money or public funds."

Mr. Cochran offered the following resolution:

Resolved, That the chief clerk be authorized and required to furnish each member of this House with a copy of the general laws of this State as passed by the Thirteenth Legislature.

Mr. Brown of Gregg, moved to amend by inserting after the word Legislature, "and a copy of the Constitution of the State of Texas." Carried.

The resolution was adopted.

On motion of Mr. Rainey, the rules were suspended, and Senate bill, "An act to prevent sheriffs and other persons from paying over to G. W. Honey or A. Bledsoe, or to any person for them, any money or public funds," was taken up, read first time and passed to second reading.

On motion of Mr. Sayers, the rules were further suspended, the bill read second time and passed to third reading.

On motion of Mr. Sayers the rules were further suspended, the bill read third time and passed.

On motion of Mr. Rainey the rules were suspended and Senate bill, "An act to prevent G. W. Honey and A. Bledsoe and others from paying out money or public funds," was taken up, read first time and passed to second reading.

On motion of Mr. Rainey the rules were further suspended, the bill read second time and passed to third reading.

On Motion of Mr. Sayers the rules were further suspended, the bill read third time and passed.

A message from the Senate announced the appointment by that body of Senators Hobby, Dwyer and Bradshaw as a committee, in conjunction with a like committee on the part of the House, to wait upon Governor Coke, and inform him that the Fourteenth Legislature was duly organized and ready to receive any communication from him.

On motion of Mr. Epperson the Speaker appointed as a committee on the part of the House to co-operate with the Senate committee, Messrs. Epperson, Pickett, Moody, Reeves and Lawhon.

Mr. Simpson introduced House Bill No. 1, "To prevent usurpation of office, and to fix penalties therefor." Read first time and passed to second reading.

On motion of Mr. Rainey the rules were suspended, the bill read second time and referred to the following special committee: Messrs. Epperson, Harris, Barziza, Sayers and Simpson.

The Speaker announced the following committee: Judiciary Committee—Epperson

son, Harris, Barziza, Sayers and Simpson, and stated he would add thereto hereafter.

The House committee to wait upon Governor Coke reported, through Mr. Epperson, chairman, that in conjunction with the Senate committee, they had performed the duty assigned them, and that the Governor had replied he would in as short a time as possible send in a communication.

On motion of Mr. Rainey the House adjourned to 2:30 P. M.

AFTERNOON SESSION.

House met. Quorum present.

Absent—Messrs. Ballard, Beck, Goodwin, Kessler, Stewart of Montgomery and Scott.

(Mr. Reeves in the chair.)

Mr. Cochran offered the following resolution:

Resolved, That each member of this House be furnished with ten daily newspapers, to be selected by himself from such papers as publish the daily proceedings of this body.

Mr. Manning offered the following substitute:

Resolved, That the publishers of the DEMOCRATIC STATESMAN be instructed to deliver to this House each day during the present session of the Legislature nine hundred copies of the DAILY STATESMAN, provided said paper contains the official proceedings of the Legislature, and that the compensation for the same shall be eight cents per copy.

On motion of Mr. Harrison, the resolution and substitute were referred to a special committee of five.

The Speaker appointed Messrs. Manning, Cochran, Smith of Travis, Rainey and Linn said committee.

Mr. Sayers introduced joint resolution No. 1, requiring the presiding justices of the peace of each county to furnish duplicate election returns for State officers and the Constitutional Amendments. Read first time and referred to Judiciary Committee.

On motion of Mr. Rainey, the resolution adopted during the morning session, providing for the printing of ten thousand copies of the inaugural address of Governor Coke in English, and three thousand in German, was reconsidered.

Mr. Rainey offered the following substitute:

Resolved, That the State Printer be instructed to print ten thousand copies of Governor Richard Coke's inaugural address as follows: six thousand in the English language, three thousand in German, and one thousand in Spanish.

Adopted.

Mr. Walker moved to amend by adding "and one thousand in the Bohemian language."

On motion of Mr. Johnson, the resolution and amendment were referred to the Committee on Public Printing.

(The Speaker in the chair.)

On motion of Mr. Meissner, Mr. Freeman was granted leave of absence until Tuesday next, on account of important business.

On motion of Mr. Epperson, the House adjourned to 10 o'clock A. M. to-morrow.

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, January 17, 1874.

House met. Roll called: quorum present. Prayer by chaplain.

Absent—Schmidt.

On motion of Mr. Sayers, the reading of the journal was suspended to allow the presentation of the report of the special committee upon House Joint Resolution No. 1, requiring presiding justices of the peace of each county to make out duplicate returns for Comptroller, Treasurer and other State officers, and on the Constitutional Amendments."

The committee submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred joint resolution No. 1, requiring presiding officers of each county to make out duplicate returns for Comptroller, Treasurer, and other State officers, and on the constitutional amendments, have had the same under consideration, and have instructed me to report the accompanying joint resolution as a substitute, and to recommend its passage.

B. H. EPPERSON,

Chairman Judiciary Committee.

The report was adopted.

On motion of Mr. Epperson, the rules were suspended and the joint resolution read second time.

Mr. Sayers moved to amend by inserting after the word "original," the words "and official." Carried.

On motion of Mr. Epperson, the joint resolution was ordered engrossed.

On motion of Mr. Epperson, the rules were further suspended, the bill read third time and passed.

The journal was then read and adopted.

Mr. Simpson introduced House bill No. 2, "to require the Commissioner of the General Land Office to furnish to the surveyor's office of Liberty county certified copies of field notes and map."

Read first time and referred to the Committee on Public Lands and Land Office.

Mr. Manning, chairman of the special committee on the resolution concerning newspapers, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The committee to whom was referred the resolution concerning the number of newspapers with which the members of the House are to be furnished, after due consideration respectfully recommend that the accompanying resolution be passed.

MANNING, Chairman.

Resolved, That each member of the House of Representatives shall be furnished ten copies of any one or more daily newspapers; the different papers to be designated by each member; *provided*, that said newspapers shall not cost over seven cents per copy, and that they shall contain a full and complete report of each days proceedings in the House.

Mr. Harris moved to strike out "ten" and insert in lieu thereof "five."

Mr. Cochran offered the following substitute for the resolution and amendment.

Resolved, That each member of this House be furnished with ten daily newspapers, to be selected from any one or more daily papers by each member; *provided*, that said newspaper shall not cost over seven cents per copy, and that said papers shall contain a full and complete report of each days proceedings of this body.

Mr. Moody moved to recommit the whole matter to a special committee. The substitute was then adopted.

Mr. Harrison moved to amend by striking out "seven" and inserting in lieu thereof "five."

The yeas and nays being called, resulted as follows:

Yeas—Abnar, Brown of San Saba, Brown of Harrison, Bruce, Cain, Denman, DeMorse, Donald, Douglass, Eastland, Edwards, German, Harris, Harrison, Hart, Hayes, Kemble, Lindsey, Matthews, McCuiston, Mitchell, Middleton, Moody, Meissner, Nicholson, O'Neal, Patterson, Pickett, Rosborough, Roberts, Sadler, Scott, Storey, Walker, Watson, Watts—35.

Nays—Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Chambliss, Cochran, Delany, Easley, Epperson, Farrar, Foote, Galvan, Gellatly, Goodwin, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Linn, Manning, Massey, McLeary, Miller, Murphy, Patrick, Price, Rainey, Rogers, Sayers, Simpson, Smith of Travis, Smith of Walker, Smith of Grimes, Smith of Houston, Stephens, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Wortham—47.

Whereupon the motion was declared lost.

The resolution was then adopted.

Mr. DeMorse offered the following resolution:

Resolved, That the clerk of the House of Representatives be instructed to procure

postage stamps and one cent wrappers in amount sufficient for the daily use of the members of this House.

Adopted.

Mr. Rogers moved to reconsider the vote just taken. Lost.

Mr. Rainey introduced a bill appropriating the sum of twenty thousand dollars, or so much thereof as may be necessary, to defray the contingent expenses of the first session of the Fourteenth Legislature. Read first time and referred to the Committee on Finance.

Mr. Storey introduced a bill "to fix the venue in certain cases." Read first time and referred to the Judiciary Committee.

Mr. Kemble offered the following resolution:

Resolved, That the sergeant-at-arms be instructed to have the lamps at the foot of the stairs, and at each corner of the Capitol, lighted each evening before dark, and kept lighted until midnight.

Adopted.

A message from the Senate announced the passage by that body of Senate bill No. 3, "To regulate the call of the docket and disposition of causes in the Supreme Court."

On motion of Mr. Sayers, the rules were suspended, the bill just received taken up and read first time. Pending the discussion the Committee on Engrossed Bills submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills beg leave to report that they have carefully compared House joint resolution No. 1, requiring presiding justices of each county to make duplicate election returns for Comptroller, Treasurer and other State officers, and on the Constitutional amendments, and find the same correctly engrossed.

Respectfully submitted,

L. J. STOREY, Chairman.

Resuming the discussion, Mr. Sayers moved to suspend the rules and put the bill on its second reading. Lost.

On motion of Mr. Epperson, the bill was referred to the Judiciary Committee.

On motion of Mr. Epperson, the House adjourned until 10 A. M. Monday.

SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 19, 1874. }

House met. Roll called; quorum present.

Prayer by chaplain.

The journal of Saturday was read and adopted.

The Speaker announced the following standing committees:

JUDICIARY COMMITTEE NUMBER ONE.

Harris, Chairman,	Lawhon,
Sayers,	Swain,
Delany,	Scott,
Farrar,	Moody,
McLeary,	Johnson,
O'Neal,	Stephens.

JUDICIARY COMMITTEE NUMBER TWO.

Epperson, Chairman,	Triplett,
Barziza,	Goodwin,
Storey,	Smith of Grimes,
Henderson of Ken-	Sadler,
dall,	Helton,
Simpson,	Gellatly.

CONSTITUTIONAL AMENDMENTS.

Sayers, Chairman,	McLeary,
Epperson,	Storey,
Harris,	Reeves,
Barziza,	Farrar,
O'Neal,	Simpson,
Smith of Grimes,	Delany,
Stephens,	Linn.

INTERNAL IMPROVEMENTS.

Epperson, Chairman,	Harris,
Simpson,	Miller,
Lawhon,	Cochran,
Middleton,	Wortham,
Hayes,	Harrison,
Reeves,	Smith of Travis,
Murphy,	Swain,
Delany,	Jackman,
Barziza,	Price.

STATE AFFAIRS.

Sayers, Chairman,	Barziza,
Smith of Houston.	Reeves,
DeMorse,	McLeary,
Eastland,	Cardis,
Bruce,	Galvan,
Rosborough.	Delaney.

FINANCE.

Moody, Chairman,	Sayers,
Kessler,	Galvan,
Smith of Walker,	Epperson,
DeMorse,	Watts,
Delany,	Farrar,
Lindsey,	Donald,
Cochran.	Stewart of Montgom-
	ery.

EDUCATION.

Rainey, Chairman,	Delany,
Kemble,	Goodwin,
McCleary,	Henderson of Smith,
Stewart of Montgom-	Mitchell,
ery,	Price,
Nicholson,	Pickett,
Schmidt,	Rogers,
Abnar,	Meissner.
Triplett,	

IMMIGRATION.

Delany, Chairman,	Kessler,
Stewart of Montgom-	Meissner,
ery,	Stephens,
Linn,	Foote,
German,	Bruce,
Patrick,	Von Biberstein,

COMMERCE AND MANUFACTURES.

Barziza, Chairman,	Moody,
Watson,	Cain,
Smith of Walker,	Galvan,
Chambliss,	Storey,
Henderson of Smith,	Triplett,
Miller,	Ballard.
Epperson,	

PRIVATE LAND CLAIMS.

Farrar, Chairman,	DeMorse,
Walker,	Stewart of Montgom-
Smith of Houston,	ery,
Massey,	Anderson,
Patrick,	Johnston,
Swain,	Douglass.

PENITENTIARY.

Stewart of Montgo-	Manning,
mery, Chairman,	Helton,
Stuart of Falls,	Oxsheer,
Harrison,	Freeman,
Denman,	Schmidt,
Jenkins,	McCuiston.
Smith of Grimes,	

PRIVILEGES AND ELECTIONS.

Swain, Chairman,	Smith of Travis,
Hart,	Brown of San Saba,
Ballard,	Scott,
Walker,	Beck.
Jackman,	

PRINTING AND CONTINGENT EXPENSES.

Wortham, Chairman,	Jenkins,
DeMorse,	Brown of Gregg,
Manning,	Henderson of Smith,
Storey,	Douglass,
Linn,	Harris,
Stuart of Falls,	Swain.

PUBLIC BUILDINGS.

Rosborough, Chair-	Easley,
man,	Cochran,
Eastland,	Nicholson,
Smith of Travis,	Smith of Grimes.
Watson,	

COMPTROLLER AND TREASURER'S OFFICES.

Kemble, Chairman,	Moody,
Barziza,	Rainey.
Storey,	

ENROLLED BILLS.

Linn, Chairman,	Henderson,
Rainey,	Kendall.
Pickett,	

ENGROSSED BILLS.

Storey, Chairman,	Goodwin,
DeMorse,	Swain.

PUBLIC LANDS AND LAND OFFICE.

Barziza, Chairman,	Douglass,
O'Neal,	Harrison,
Bean,	Chambliss,
Patrick,	Helton,
Hayes,	Reeves,
Anderson,	Von Biberstein.

ROADS, BRIDGES AND FERRIES.

Denman, Chairman,	Price,
Massie,	Harrison,
Middleton,	Anderson,
Patterson,	Rogers,

Foote,
Patrick.

German,
Roberts.

FEDERAL RELATIONS.

Reeves, Chairman.	Delany,
Harris,	Henderson of Kendall,
Simpson,	Linn,
Brown of San Saba,	Watson,
Cain,	Cardis,
Matthews.	Watts.
Rainey,	

CLAIMS AND ACCOUNTS.

Eastland, Chairman.	McLeary,
Foote,	Kessler,
Galvan,	Gellatly.
Matthews,	Stuart of Falls.
Price,	Hayes,
Manning,	Roberts.
Lawhon,	

PUBLIC DEBT.

Smith of Houston,	Edwards,
Chairman,	Murphy,
Kessler,	Patterson,
Henderson of Smith,	Galvan,
Price,	Stephens,
Sadler,	Von Biberstein.
Schmidt,	

AGRICULTURE AND STOCK RAISING.

Miller, Chairman.	Delaney,
Jackman,	Oxsheer.
McCuiston,	Lawhon,
Bean,	Easley,
Nicholson,	Stuart of Falls,
Kemble,	Brown of Harrison.
Lindsey,	Massey.
Rogers,	Beck.

COUNTIES AND COUNTY BOUNDARIES.

Brown of Gregg,	Manning,
Chairman,	Easley,
Roberts,	Linn,
Lawhon,	Middleton.
Kemble,	Edwards,
Price,	Smith of Houston.
Bean,	Massey.

MILITARY AFFAIRS.

Goodwin, Chairman,	Pickett,
Murphy,	Stephens.
Johnson,	Reeves,
Denman,	Sayers,
Jenkins,	Scott.
Freeman,	

INDIAN AFFAIRS.

Pickett, Chairman,	Henderson of Ken-
Hart,	dall,
Cochran,	Brown of San Saba,
Sadler,	Foote,
Cardis,	Murphy.
Donald,	O'Neal.
Stephens,	

TOWN AND CITY CORPORATIONS.

Simpson, Chairman,	Schmidt,
Cochran,	McLeary,
Henderson of Smith,	Eastland,
Edwards,	Galvan,
DeMorse,	Moody.
Smith of Travis.	

Mr. DeMorse offered the following resolution:

Resolved, That it shall be required of the first doorkeeper to perform the duties of assistant sergeant-at-arms in addition to the duties now required of him.

Lost.

A message from the Senate announced the passage by that body of House joint resolution No. 1, "Requiring presiding justices of each county to make out duplicate returns for Comptroller, Treasurer and the other State officers, and on the constitutional amendments."

The Committee on Enrolled Bills submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills beg leave to report that they have carefully examined, and find correctly enrolled, House joint resolution No. 1, "Requiring presiding justices of each county to make out duplicate returns for Comptroller, Treasurer and other State officers, and on the constitutional amendments," and this day, at 9:30 o'clock A. M., presented the same to the Governor for his approval.

E. D. LINN, Chairman.

Mr. Storey offered the following resolution:

Resolved, That the sergeant-at-arms be required at once to furnish suitable rooms for the use of the engrossing and enrolling clerks of this House, and that said rooms be supplied with fuel, lights, and stationery without further delay.

Adopted.

Mr. Swain introduced a bill making an appropriation for mileage and per diem pay of members and the per diem pay of officers and employes of the Fourteenth Legislature. Read first time and referred to the Committee on Finance.

Mr. Rainey introduced a bill to ascertain amounts due teachers of the public free schools of this State prior to July 1, 1873, and to provide for payment of the same. Read first time and referred to the Committee on Education.

Mr. Chambliss offered the following resolution:

Resolved, That a committee of five be appointed to investigate the books and accounts and to inquire into the general condition of the Lunatic, Deaf and Dumb and Blind Asylums, and report as soon as practicable.

Adopted.

Mr. Epperson moved to reconsider the vote on the resolution offered by Mr. DeMorse, relating to the doorkeeper and sergeant-at-arms.

Carried.

Mr. Storey offered the following substitute:

Resolved, That this House proceed to the election of an assistant sergeant-at-arms.

Lost.

Mr. Henderson of Smith, offered the following substitute:

Resolved, That the first doorkeeper be required to perform the duties of assistant sergeant-at-arms, *instead* of those now required of him.

Adopted.

Mr. McLeary offered the following resolution:

Resolved, That the office of assistant doorkeeper be abolished.

On motion of Mr. Moody, the whole matter was laid on the table.

Mr. Stephens introduced a bill to amend an act entitled "An act to incorporate the town of Comanche, Comanche county, Texas," approved December 1, A. D. 1871. Read first time and referred to the Committee on Town and City Corporations.

Mr. Triplett introduced a bill entitled "An act to pay district attorneys of the State for services heretofore performed." Read first time and referred to the Committee on Finance.

Mr. Simpson introduced a bill "To define the mode of procedure on the address of judges of the supreme and district courts by the Legislature." Read first time and referred to Judiciary Committee No. 2.

Mr. Storey introduced a bill to be entitled "An act to authorize the appointment of an attorney at law in certain cases to act as district attorney." Read first time and referred to Judiciary Committee No. 1.

Mr. Barziza offered the following resolution, and moved that it be made the special order for Thursday, January 22, 1874:

WHEREAS, The present Constitution is defective, and is not such as the best interest of the people demand; and,

Whereas, It is believed a large majority of the citizens of Texas desire a new Constitution, therefore, be it

Resolved, That the Committee on Constitutional Amendments be instructed to forthwith prepare and present to this House a proper joint resolution calling a Constitutional Convention, at as early a period as possible, together with a bill accompanying said resolution, providing for the number, qualification and election of members of said convention and all other necessary details, and that said committee be excused from all other duties in this House for three days after the passage of this resolution, unless they shall sooner report.

Mr. Stuart of Falls, offered the following substitute:

Resolved, That the House set apart next Thursday for the consideration of the question of the propriety of calling a Constitutional Convention.

On motion of Mr. Rainey, the resolution and substitute were laid on the table.

Mr. Sayers offered the following resolution:

Resolved, That the Committee on Constitutional Amendments be requested to report to this House, as early as practicable, on the propriety of calling a Constitutional Convention.

Adopted.

Mr. O'Neal introduced a bill to regulate landlords and tenants. Read first time and referred to Judiciary Committee No. 1.

Mr. Watts introduced a bill appropriating twenty thousand dollars, or so much thereof as may be necessary, for the payment of justices' commissions for the year 1873. Read first time and referred to the Committee on Finance.

Mr. Denman offered the following resolution:

Resolved by the House of Representatives, That a committee of nine be appointed to take into consideration the conduct of Judges M. Walker and Wesley Ogden, of the Supreme Court, in their attempt, without authority of law or other cause, to destroy and crush out of existence the other co-ordinate branches of the government, and that they be instructed to report as early as practicable.

Adopted.

The Speaker appointed the following committee under the resolution:

Messrs. Denman Chairman, Epperson, Delany, Harris, Sayers, McLeary, O'Neal, Swain and Barziza.

Mr. Simpson offered the following resolution:

Resolved, That the sergeant-at-arms cause to be hoisted over the Capitol the national flag during the hours of the session of the Legislature.

Unanimously adopted.

Mr. Bean offered the following resolution:

Resolved, That the chief clerk be required to furnish each member of this House with a copy of the special laws of the Thirteenth Legislature.

Adopted.

Mr. Rainey offered the following resolution:

Resolved, That the sergeant-at-arms be instructed to prepare the Library room of the Capitol building for the use of the Committees on Engrossed and Enrolled bills.

Adopted.

Mr. Brown of Gregg offered the following resolution:

Resolved, That the sergeant-at-arms be instructed to furnish a copy of Oldham's and White's Digest to each member of this House for use during the session.

Adopted.

On motion of Mr. Smith of Houston, the House adjourned to 3 P. M.

AFTERNOON SESSION.

House met. Roll called; quorum present.

Absent—Abnar, Beck, Galvan, Henderson of Kendall, Miller, and Smith of Walker.

The Speaker announced the following committee to examine the asylums: Chambliss, Chairman; Wortham, Sadler, Stephens, and Smith of Travis.

Mr. Sadler introduced a bill to amend "An act regulating elections," approved March 31, 1873. Read first time and referred to Judiciary Committee No. 2.

Mr. Anderson introduced a bill to authorize the County Court of Panola county to levy and collect a special tax for the payment of the indebtedness of said county. Read first time and referred to the Finance Committee.

Mr. Rosborough introduced a bill to amend "An act for the benefit of actual occupants of the public lands," passed May 26, 1873. Read first time and referred to the Committee on Public Lands and Land Office.

Mr. Denman offered the following resolution:

Resolved, That the Judiciary Committee be instructed to prepare and report a bill to punish fornication.

Adopted.

Mr. Von Biberstein offered the following resolution:

Resolved, That each member of the House furnish the chief clerk with the names and numbers of the daily newspapers he desires to take, according to the resolution concerning newspapers, adopted Friday last.

On motion of Mr. Storey, the words "chief clerk" were stricken out and "sergeant-at-arms" inserted in lieu thereof.

The resolution was then adopted.

Mr. Sayers introduced a bill to be entitled "An act to encourage stock raising and for the protection of stock raisers." Read first time and referred to the Committee on Agriculture and Stock Raising.

Mr. Epperson offered the following concurrent resolution:

Resolved, That with the concurrence of the Senate, the two houses of the Legislature shall meet together for the purpose of electing a public printer on Thursday, the 22d instant, at the hour of 12 o'clock M., in the hall of the House of Representatives, and that the Senate be invited to concur in this resolution.

Adopted.

Mr. Kemble introduced a bill requiring the several county courts of this State to settle with the late treasurers and sheriffs, of all funds belonging to the several counties known as the one per cent. school house tax. Read first time and referred to the Committee on Education.

Mr. Stephens introduced a bill to amend sections first and second of "An act releasing the State taxes to certain counties therein named," passed April 30, 1873. Read first time and referred to Judiciary Committee No. 1.

Mr. Picket introduced a bill to aid in recovering stolen property, and asked that it be read by caption and referred to Judiciary Committee No. 1.

The House demanded the reading of the bill in full, and the Speaker stated that hereafter the rule would be that all bills when introduced should be read in full. The bill having been read was referred as requested.

On motion of Mr. Harrison, the House adjourned until 10 A. M., to-morrow.

SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, January 20, 1874.

House met. Prayer by the chaplain. Roll called, quorum present.

The journal of yesterday was read and adopted.

Mr. Smith, of Grimes, presented a petition from citizens of Grimes county to postpone the collection of taxes of that county to January 1, 1875. Referred to the Committee on Finance.

On motion of Mr. McLeary, Mr. Sayers was excused for two days on account of important business.

On motion of Mr. Beck, the Committee on Asylums were granted leave of absence for the day, to allow them to visit the asylums.

Mr. Triplett presented a petition of citizens of Moscow, praying for a repeal of a certain liquor law.

Also, a bill repealing an act entitled "An act to prohibit the sale or giving away of spirituous, vinous, malt, and other intoxicating liquors within two miles of certain places therein named," passed May 31, 1873.

Both were read and referred to the Committee on Towns and City Corporations.

Mr. Stewart of Montgomery presented a petition of the people of Montgomery county to be allowed until January 1, 1875, for the payment of State taxes due for the year 1873. Read and referred to the Committee on Finance.

Mr. Barziza introduced a joint resolution suspending the powers of the mayor and aldermen and other officers of the city of Houston, in Harris county, in certain cases therein enumerated. Read first time.

On motion of Mr. Barziza, the rules were suspended, the joint resolution read second time and ordered engrossed.

On motion of Mr. Harrison, the rules were further suspended, the joint resolution read third time by caption and passed.

Mr. Simpson introduced a joint resolution authorizing the Governor of the State of Texas to appoint a board of three persons to revise, digest, arrange and publish the civil and criminal laws of this State. Read first time.

Mr. Kemble offered a resolution requesting the Committee on Education to report a bill for the relief of those who have paid the one per cent. school house tax. Referred to the Committee on Education.

The Committee on Engrossed Bills submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Engrossing Committee, to whom was referred a joint resolution, entitled "A joint resolution suspending the powers of the mayor and aldermen and other officers of the city of Houston, in certain cases enumerated herein," respectfully report that they have examined the same, and find it correctly engrossed.

Respectfully submitted,

L. J. STOREY, Chairman.

Mr. Smith of Grimes, introduced a bill to postpone the collection of the taxes of Grimes county until January 1, 1875. Read and referred to the Committee on Finance.

Mr. McLeary introduced a bill for the protection of the wool-growing interest of the State. Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Triplett introduced a concurrent resolution of thanks to George B. Zimpelman, sheriff of Travis county, and others. Adopted unanimously.

Mr. Stewart of Montgomery, introduced a bill for the relief of the citizens of Montgomery county from the payment of State taxes due for the year 1873, until the first day of January, 1875. Read and referred to the Committee on Finance.

Mr. McLeary offered the following resolution:

Resolved, That the daily sessions of this House, be from 9 A. M. until 3 P. M.

Laid over under the rules.

Mr. Lawhon introduced a bill to validate certain surveys and locations made in Aransas county. Read and referred to the Committee on Public Lands and Land Office.

Mr. Oxsheer offered a petition praying for the prohibition of sale of liquor within three miles of Maysfield Academy. Also a bill to prohibit the selling, bartering, giving away or in any other manner disposing of alcoholic, spirituous or any other intoxicating liquors within certain limits of Maysfield Academy. Both were read and laid on the table.

Mr. Stewart of Montgomery, introduced

a bill to carry into effect the provision of the thirteenth section of the Constitution in regard to the emancipation of minors. Read and referred to Judiciary Committee No. 1.

Mr. Stewart of Montgomery, offered the following resolution:

WHEREAS, Peace *now* universally prevails throughout the State of Texas, and the Capitol is no longer a fortress and arsenal of arms; therefore,

Resolved, That the Adjutant General cause the artillery now standing on Capitol hill, commanding the good city of Austin, to be removed to some safe and suitable place, or part of the Capitol grounds, where they may peacefully sleep the sleep that knows no warlike waking.

Adopted.

Mr. Farrar introduced a bill to amend an act entitled "An act to adopt and establish a penal code for the State of Texas," approved the twenty-sixth day of August, 1856. Read and referred to Judiciary Committee No. 2.

Mr. Massey introduced a bill making appropriation for the payment of the fees in criminal cases of sheriffs and clerks of the district courts. Read and referred to the Finance Committee.

Mr. Rainey introduced a bill to prevent the issuing of bonds by counties, cities and towns in this State to aid in the construction of railroads. Read first time.

Mr. Rainey moved to suspend the rules and put the bill on its second reading. Lost.

Mr. Watts introduced a bill to cause sheriffs to make deeds to lands sold for taxes by assessors and collectors. Read and referred to Judiciary Committee No. 2.

Mr. Rosborough introduced a petition of citizens of Coryell county, praying for the passage of a bill prohibiting the sale of liquor within five miles of Hepzibah Church and school house, Coryell county; also a bill to prohibit the selling, bartering, giving away or in any other manner disposing of alcoholic, spirituous or other intoxicating liquors within certain limits. Read and referred to the Committee on Education.

A message from the Senate announced the passage by that body of House joint resolution No. 2, "Suspending the powers of the mayor and aldermen and other officers of the city of Houston, in Harris county, in certain cases herein enumerated."

Mr. Simpson offered the following resolution:

Resolved, That Judiciary Committee No. 2 consider the propriety of amending or re-enacting the attachment law of this State, with a view to modifying the form of oath now required by law, and report by bill or otherwise.

Mr. Storey offered the following resolution:

Resolved, That the Speaker be authorized to appoint an additional number of pages and porters when he may deem it necessary.

Adopted.

Mr. Goodwin introduced a bill authorizing clerks of the district court and justices of the peace to issue writs of garnishment in certain cases herein provided. Read and referred to Judiciary Committee No. 2.

Mr. Rainey offered the following resolution:

Resolved, That a committee of five be appointed by the Speaker for the purpose of arranging a plan of business for the government of the House for the present session, by which the session may come to an early adjournment.

The House refused to adopt the resolution.

Mr. Epperson offered the following resolution:

Resolved, That the sergeant-at-arms be required to furnish the chairman of each standing committee of the House one copy of Paschal's Digest of the laws of the State, (volumes one and two,) and the general laws of the Thirteenth Legislature, and at the expiration of the present session that these books be returned to the sergeant-at-arms, and by him to the Secretary of State.

Adopted.

On motion of Mr. Johnson, Mr. Massey was transferred from the Committee on Counties and County Boundaries to the Committee on Internal Improvements.

On motion of Mr. Lawhon Mr. Henderson of Smith was added to the Committee on Agriculture and Stock Raising.

On motion of Mr. Scott, Mr. Von Biberstein was added to the Committee on Counties and County Boundaries.

The following further additions were made:

Mr. Henderson of Kendall to the Committee on Agriculture and Stock Raising. Mr. McCuiston to the Committee on Internal Improvements. Mr. Smith of Houston to the Committee on Education. Mr. Johnson to the Committee on Internal Improvements.

On motion of Mr. Barziza, the House adjourned to 3 P. M.

AFTERNOON SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Freeman, Sadler and Smith of Houston.

Mr. Walker introduced a bill to provide for the salary and fees of district attorneys. Read and referred to Judiciary Committee No. 1.

Mr. Easley introduced a bill to amend sections fourteen, fifteen, twenty-five, thirty-seven and thirty-eight of "An act to establish and maintain a system of public free

schools in the State of Texas," passed May 22, 1873. Read and referred to the Committee on Education.

The Committee on Enrolled Bills submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled bills beg leave to report that they have carefully examined and find correctly enrolled House joint resolution No. 2, "Suspending the powers of the mayor, aldermen and the other officers of the city of Houston, in Harris county, in certain cases herein enumerated," and presented the same to the Governor for his approval, this day at 1 o'clock P. M.

E. D. LEXN, Chairman.

Mr. Epperson introduced a joint resolution ratifying the amendments to the Constitution. Read and referred to Judiciary Committee No. 1.

Mr. Goodwin introduced a bill to amend section nineteen of "An act regulating elections," approved March 31, 1873. Read and referred to Judiciary Committee No. 2.

On motion of Mr. Epperson, the House adjourned to 10 A. M. to-morrow.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, January 21, 1874. }

House met. Prayer by the chaplain. Roll called; quorum present.

The journal of yesterday was read and adopted, with some corrections.

Under the regular order of business, Judiciary Committee No. 2 submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to whom was referred House bill No. 27, "To amend an act entitled 'An act to adopt and establish a penal code for the State of Texas,'" approved August 26, 1856, have had the same under consideration and have instructed me to report the same back with the recommendation that it pass. All of which is respectfully submitted.

B. H. EPPERSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

The Committee on Finance submitted the following reports:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House Bill No. 3, "An act making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature," have carefully considered the same and instruct me to re-

port the bill back and recommend that it do pass.

W. L. MOODY, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 5, "An act making an appropriation for the mileage and *per diem* pay of the members, and the *per diem* pay of the officers and employees of the Fourteenth Legislature," have carefully considered the same, and instruct me to report the bill back and recommend that it do pass.

W. L. MOODY, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Reeves, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs Speaker, Abnar, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglas, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Goodwin, German, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Middleton, Miller, Moody, Murphy, Meissner, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Schmidt, Scott, Simpson, Smith of Travis, Smith of Houston, Smith of Walker, Smith of Grimes, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—86.

Nays—None.

On motion of Mr. Rainey, the rules were suspended, House bill No. 3, "An act making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature," was taken up, read third time and passed by the following vote:

Yeas—Messrs Speaker, Abnar, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglas, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Goodwin, German, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Middleton, Miller, Moody, Murphy, Meissner, Nicholson,

O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Schmidt, Scott, Simpson, Smith of Travis, Smith of Houston, Smith of Walker, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts, Wortham—87.

Nays—None.

Hon. Guy M. Bryan Speaker of the House of Representatives:

Your Committee on Finance to whom was referred House bill No. 14, "An act to authorize the County Court of Panola county, to levy and collect a special tax for the payment of the indebtedness of said county." Have carefully considered the same and instruct me to report the bill back, and recommend that it do pass.

W. L. MOODY, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Mr. Foote offered the following resolution:

Resolved, That the Committee on Finance be instructed to ascertain the amount of deficiency in appropriation providing for the payment of fees due district attorneys, sheriffs, clerks, and justices of the peace in felony cases, and report a bill making the necessary appropriation.

Adopted.

Mr. Simpson introduced a bill to require the Secretary of State to furnish Liberty county with its quota of Supreme Court Reports. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. Johnson introduced a bill to amend an act entitled "An act to amend Article 382 Title II, Chapter 3, of the Penal Code." Read first time and referred to Judiciary Committee No. 1.

Mr. Cochran introduced a bill to change the name of David R. Clanton, minor, to David R. Cameron. Read first time and referred to Judiciary Committee No. 2.

A message from the Senate announced that that body had adopted a concurrent resolution providing for a committee of three from each House to investigate and report upon the condition of the Treasurer's office, and that the President of the Senate had appointed a committee of three under said resolution.

Also, had adopted the concurrent resolution of the House returning thanks to Geo. B. Zimpelman and others therein named, with an amendment by the Senate; and that it had passed Senate joint resolution No. 12, returning thanks to the President for upholding the right of local self-government in Texas.

Also, that it had passed Senate bill No. 10, re-enacting an act entitled "An act to

authorize the police court of Leon county to levy and collect a special tax to build a jail, and to validate the action of said police court under the same, and to cause the same to be published as one of the laws of the Thirteenth Legislature."

On motion of Mr. Smith, of Houston, the rules were suspended and Senate bill No. 10, re-enacting an act entitled "An act to authorize the Police Court of Leon county to levy and collect a special tax to build a jail, and to validate the action of said police court under the same, and to cause the same to be published as one of the laws of the Thirteenth Legislature," was taken up, read first time and passed to second reading.

On motion of Mr. Goodwin, the rules were suspended, bill read second time and passed to third reading.

On motion of Mr. Rainey, the rules were further suspended, the bill read third time and passed.

Mr. German introduced a joint resolution requiring sheriffs and treasurers, in certain cases, to refund moneys unlawfully collected. Read first time and referred to the Committee on Education.

Mr. Johnson introduced a bill to regulate challenges in civil and criminal cases. Read first time and referred to Judiciary Committee No. 1.

Mr. Harris offered the following resolution:

Resolved, That Hon. C. B. Stewart of Montgomery be authorized to employ a "hearer," who shall be paid four dollars *per diem* out of the contingent fund.

Lost.

Mr. Oxsheer introduced a bill to authorize the County Court of Milam county to levy a special tax to build a jail. Read first time and referred to Judiciary Committee No. 1.

Mr. Brown of San Saba introduced a joint resolution memorializing Congress to allow Texas to keep troops for purposes therein stated. Read first time and referred to the Committee on Federal Relations.

Mr. McLeary offered the following resolution:

Resolved, That Judiciary Committee No. 1 be instructed to report a general law to authorize county courts in certain cases to levy special taxes to build jails and court houses.

Adopted.

Mr. Sadler offered the following resolution:

WHEREAS, It is made known to this honorable body, that certain persons Gregorio Jose Martinez del Rio, and Jose Pablo Martinez del Rio, claiming to be citizens of the Kingdom of Great Britain, have recently preferred and claim to be the true owners of the land lying in the counties of McLennan and Hill, which the Legislature

of Texas, has heretofore appropriated to university purposes, and

Whereas, A suit has been commenced in the honorable United States Court for the Western District of Texas, at Austin, by said persons against certain other persons, who are now living on said university lands, with the view of ejecting them from said land and taking possession thereof for themselves; now therefore, be it

Resolved, That the Committee on Education be required to make immediate inquiry into the nature and character of said suit for the purpose of protecting the rights of the State in regard to said land, and that they report the result of their investigation as early as possible.

Adopted.

Mr. Kemble offered the following resolution:

Resolved, That the Committee on Public Debt be requested to make a special investigation of the financial condition of the State, and report at their earliest convenience whether or not the *ad valorem* State tax cannot consistently be reduced for the year 1874, and if so how much.

Adopted.

Mr. Smith, of Grimes, introduced a bill to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns. Read first time and referred to the Committee on Towns and City Corporations.

Unfinished business, the resolution providing for one daily session, was taken up.

Mr. Kessler moved to amend by striking out "10," and inserting in lieu thereof "9."

On motion of Mr. Reeves, the resolution and amendment were laid on the table.

Leave being granted, Mr. McQuiston offered the following resolution:

Resolved, That Judiciary Committee No. 1 be instructed to inquire into the expediency of so amending our election laws as to require every voter to furnish to the judges of election evidence of payment of poll tax for the current year before he shall be allowed to vote at any election in this State, and that said committee report by bill or otherwise.

Adopted.

Leave being granted, Mr. Triplett introduced a bill to be entitled "An act authorizing the police courts of the several counties of this State to levy a special tax not to exceed one-half of one per cent. on each one hundred dollars of taxable property, for the purpose of paying off the outstanding indebtedness of their respective counties." Read first time and referred to Judiciary Committee No. 2.

Leave being granted, Mr. Farrar introduced a joint resolution requiring the Secretary of State to furnish a set of Texas Reports to Limestone county. Read first

time and referred to Judiciary Committee No. 1.

House concurrent resolution of thanks to Geo. B. Zimpelman and others therein named, was taken up and the following Senate amendment thereto read: Amend by striking out "chief clerk of the House," and insert instead thereof the "President of the Senate and Speaker of the House of Representatives."

On motion of Mr. Epperson, the House concurred in the Senate amendment.

House Joint resolution No. 3, "authorizing the Governor of the State of Texas to appoint a board of three persons to revise, digest, arrange and publish the civil and criminal laws of this State," was taken up, read second time and referred to Judiciary Committee No. 2.

House bill No. 25, "To prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic, spirituous or any other intoxicating liquors within certain limits of Maysfield Academy," was taken up, read second time and referred to the Committee on Education.

House bill No. 29, "To prevent the issuing of bonds by counties, cities and towns in this State to aid in the construction of railroads," was taken up, read second time and referred to Judiciary Committee No. 1.

By leave, Mr. Lawhon introduced a bill to change a portion of the western boundary line of San Patricio county. Read first time and referred to the Committee on Counties and County Boundaries.

On motion of Mr. O'Neal, Mr. Kessler was added to the Committee on Internal Improvements.

On motion of Mr. Henderson of Kendall, Mr. Murphy was added to the Committee on Agriculture and Stockraising.

On motion of Mr. Pickett, Mr. Bean was transferred from the Committee on Public Lands and Land Office to the Committee on Indian Affairs.

By leave, Mr. Henderson of Smith presented a petition of citizens of White House, Smith county, asking the passage of a law prohibiting the sale of liquor within two miles of White House; also a bill to prohibit the sale of any spirituous, vinous or other intoxicating liquors within certain prescribed bounds. Read first time and referred to the Committee on Education.

On motion of Mr. Epperson, the House adjourned to 10 A. M. to-morrow.

NINTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, January 22, 1874.

House met. Prayer by the chaplain. Roll called; quorum present.

Absent—Mr. Galvan.

On motion of Mr. Jackman, Mr. Storey was excused for the remainder of the week, on account of sickness in his family.

On motion of Mr. DeMorse, Mr. O'Neal was excused for the day on account of sickness.

The journal of yesterday was read and adopted.

The Committee on Engrossed Bills submitted the following reports:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 3, "An act appropriating the sum of twenty thousand dollars or so much thereof as may be necessary to defray the contingent expenses of the first session of the Fourteenth Legislature," and find the same correctly engrossed.

L. C. DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills, have carefully examined House Bill No. 5, "An act making an appropriation for mileage and *per diem* pay of members and the *per diem* pay of officers and employees of the Fourteenth Legislature," and find the same correctly engrossed.

L. C. DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills, have carefully examined House Bill No. 14, "An act to authorize the County Court of Panola county, to levy and collect a special tax for the payment of the indebtedness of said county," and find the same correctly engrossed. L. C. DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 27, "An act to amend an act entitled 'An act to adopt and establish a penal code for the State of Texas,'" approved the twenty-sixth day of August, A. D. 1856, and find the same correctly engrossed.

L. C. DEMORSE, Chairman.

The Committee on Federal Relations submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Federal Relations, to whom was referred joint resolution memorializing Congress to permit the State of Texas to keep troops for purposes therein stated, have had the same under consideration, and I am instructed by the committee to return the same back to the House and recommend that it be referred to the Committee on Indian Affairs.

All of which is respectfully submitted.

G. R. REEVES, Chairman.

The report was adopted and reference made.

The Committee on Agriculture and Stock Raising reported verbally, asking that, on account of its great length, and the importance of its subject matter, one hundred copies of House bill No. 16, "An act to encourage stockraising and for the protection of stock raisers," which was referred to them, be printed, and the bill be re-referred to the same committee.

The Committee on Counties and County Boundaries, submitted the following report:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on County and County Boundaries, beg leave to report: The committee instruct me to return House bill No. 36, a bill to be entitled "An act to require the Secretary of the State to furnish Liberty county with its quota of the Supreme Court Reports, and recommend that it be referred to the Committee on State Affairs, as the appropriate committee.

B. W. BROWN, Chairman.

The report was adopted and the bill referred to the Committee on State Affairs.

The Committee on Towns and City Corporations submitted the following report:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee upon Towns and City Corporations to whom was referred House bill No. 20, repealing "An act entitled 'An act to prohibit the sale or giving away of spirituous, vinous, malt and other intoxicating liquors, within two miles of the town of Moscow or the Moscow High School,'" have carefully considered the same, and beg leave to report said bill back to the House with the recommendation that the same do pass. JAMES B. SIMPSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Towns and City Corporations to whom was referred House bill No. 8, entitled "An act to amend 'An act entitled an act to incorporate the town of Comanche, Comanche county, Texas,'" approved December 1, 1871, have carefully considered the same, and beg leave to report said bill back with the recommendation that the citizens of said town, incorporate themselves under the provisions of a general law, entitled "An act to provide for the incorporation of towns and cities," approved January 27, 1858, and an act supplemental thereto, approved May 26, 1873.

JAMES B. SIMPSON, Chairman.

The report was adopted and the bill laid on the table.

The Committee on Education submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Education, to whom was referred House bill No. 17, entitled "An act to compel the sheriffs or ex-sheriffs, and the late treasurers of the boards of school directors, or those claiming to have been such, in the several counties of this State, to make a complete and final settlement with the county courts of said counties," would respectfully state that they have carefully examined said bill, and recommend the adoption and passage of the accompanying substitute.

Respectfully,

FRANK RAINEY, Chairman.

The report was adopted, and the substitute bill, being "An act to compel the sheriffs or ex-sheriffs, and the late treasurers of the boards of school directors, or those claiming to have been such, in the several counties of this State to make a complete and final settlement with the county courts of said counties," was read second time.

On motion of Mr. Rainey, one hundred copies were ordered printed, and the bill made special order for Saturday, the 24th, at 11 A. M.

Report from Committee on Towns and City Corporations:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Towns and City Corporations, to whom was referred House bill No. 41, entitled "An act to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns," have carefully considered the same, and beg leave to report said bill back to the House, with the recommendation that the same do pass.

JAMES B. SIMPSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Mr. Swain introduced a bill to confer additional jurisdiction on the presiding justices of the peace of Red River county, and to prescribe the duties of officers of said court. Read first time and referred to Judiciary Committee No. 1.

Mr. Chambliss offered the following resolution:

Be it Resolved by the House of Representatives. That Messrs. Foote and Barziza be added to the Committee heretofore appointed by the Speaker on Asylums, and that said committee be made a standing committee of this House.

Laid over under the rules.

Mr. Schmidt introduced a bill to consolidate into one act and amend the several acts incorporating the city of Houston, in Harris county.

Pending the reading of the bill a message from the Senate announced the passage by

that body of Senate bill No. 25, "An act to amend 'An act to incorporate the city of Brownsville,'" approved February 7, A. D. 1853.

The reading of the bill having been finished, on motion of Mr. Barziza, the rules were suspended, the bill read second time and ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed.

Mr. Simpson offered the following resolution:

WHEREAS, Wm. Chambers, Judge of the First Judicial District, was duly and legally impeached by the House of Representatives of the Thirteenth Legislature for high crimes and misdemeanors; and,

Whereas, The articles of impeachment against the said judge were duly preferred, presented to and lodged in the Senate, and the said cause of impeachment is yet pending undetermined before said body, and

Whereas, The people and the bar of the First Judicial District earnestly and unanimously desire the prosecution of said cause; therefore be it

Resolved, That the Speaker do appoint five managers to conduct said impeachment before the Senate.

On motion of Mr. Epperson, the resolution was referred to Judiciary Committee No. 1.

Mr. Sayers offered the following resolution:

Resolved, That the Committee on Public Buildings, be and is hereby instructed to examine as soon as practicable the Executive Mansion, and report upon the condition of the same, and also report upon the condition of the furniture in said mansion, and what additional furniture, if any, is needed.

Adopted.

Mr. Cochran introduced a bill to reorganize Young county. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. Stewart of Montgomery introduced a bill to render valid and effectual the acknowledgment, proof and registration of all deeds and written instruments entitled to be recorded which have been acknowledged or proved between August 8, 1870, and May 6, 1871. Read first time and referred to Judiciary Committee No. 2.

On motion of Mr. Galvan, the rules were suspended and Senate bill No. 25, "An act to amend 'An act to incorporate the city of Brownsville,'" approved February 7, A. D. 1853, was taken up and read first time.

On motion of Mr. Epperson, the rules were further suspended and the bill read second time.

On motion of Mr. Galvan, the rules were further suspended, the bill read third time by caption and passed.

A message from the Senate announced the passage by that body, by a two-thirds vote, of Senate joint resolution No. 18, ratifying the amendments to section twenty, of article one, bill of rights; to section two, section three, and section four, of article five; section twenty-eight, section forty and section forty-eight, of article twelve, of the general provisions of the Constitution of the State of Texas.

On motion of Mr. Sayers, the rules were suspended, and the bill just received from the Senate, taken up and read first time.

On motion of Mr. Epperson, the joint resolution was referred to Judiciary Committee No. 1.

On motion of Mr. Epperson, the vote referring the resolution providing for the appointment of managers of impeachment in the case of Wm. Chambers, Judge of the First Judicial District, to Judiciary Committee No. 1, was reconsidered.

The resolution was then adopted.

Mr. McLeary introduced a bill for the relief of the assignee of Antonio Menchaca. Read first time and referred to the Committee on Private Land Claims.

Mr. Epperson introduced a bill to amend "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof," approved April 15, 1873. Read first time.

On motion of Mr. Epperson, the rules were suspended, the bill read second time by caption and ordered engrossed.

On motion of Mr. Epperson, the rules were further suspended, the bill read third time by caption and passed.

Mr. Chambliss introduced a bill to authorize parties in certain cases to sue in the district courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates.

On motion of Mr. Epperson, the reading of the bill was dispensed with, and it was referred to the Committee on Public Lands and Land Office.

Mr. Hayes introduced a bill to incorporate the Little Wichita Bridge Company. Read first time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Denman introduced a bill to suspend the powers of an act entitled "An act to levy a special tax in the county of Angelina," passed May 23, 1873. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. Von Biberstein introduced a bill supplemental to an act entitled "An act to incorporate the city of Brenham, and to grant a new charter to said city," approved February 4, 1873. Read first time and referred to the Committee on Towns and City Corporations.

The Speaker announced a resolution

passed by the Senate appointing Senators Baker, Wood, Bradshaw and Moore a committee to investigate and report upon the condition of the Treasurer's office, and requesting a like committee on the part of the House.

On motion of Mr. Harrison, the Speaker appointed Messrs. Moody, Farrar and Galvan a House committee to co-operate with the Senate committee.

Mr. Sadler introduced a bill incorporating Waco Lodge, No. 70, I. O. O. F. Read first time.

On motion of Mr. Epperson, the rules were suspended, the bill read by caption second time and ordered engrossed.

On motion of Mr. Denman, the rules were further suspended, the bill read third time by caption and passed.

Mr. Linn introduced a bill to amend article four hundred and nine of the Penal Code. Read first time and referred to Judiciary Committee No. 1.

On motion of Mr. Smith of Travis, the House adjourned to 10 A. M. to-morrow.

TENTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, January 23, 1874.

House met. Prayer by the chaplain. Roll called, quorum present.

The journal of yesterday was read and adopted.

Mr. Schmidt presented a petition of Louis Rosso. Read and referred to the Committee on Private Land Claims.

Judiciary Committee No. 1, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred the resolution instructing said committee to "inquire into the expediency of so amending the election laws as to require every voter to furnish to the judges of election evidence of the payment of poll tax for the present year before he shall be allowed to vote," have carefully considered the said resolution, and the committee believing that such an amendment would be in conflict with the forty-fifth section of the twelfth article of the Constitution, recommend that the law contemplated by said resolution be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred the joint resolution ratifying the amendments to the Constitution, have

duly considered the same, and respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

The report was adopted; and the joint resolution, being Senate joint resolution No. 18, "Ratifying the amendments to section twenty of article one, Bill of Rights; to section two, section three and section four of article five; section twenty-eight, section forty and section forty-eight of article twelve of the General Provisions of the Constitution of the State of Texas," was read the second time.

The Committee on Engrossed Bills submitted the following reports:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 41, "An act to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns," and find the same correctly engrossed.

DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossing Bills have carefully examined House bill No. 46, "An act to be entitled 'An act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,'" and find the same correctly engrossed.

DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 47, "An act to amend 'An act to incorporate the city of Jefferson in Marion county,' and to repeal all laws heretofore passed incorporating said city or amendatory thereof," approved April 15, 1873, and find the same correctly engrossed.

DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 20, "An act repealing an act entitled 'An act to prohibit the sale or giving away of spirituous, vinous, malt and other intoxicating liquors within two miles of certain places therein named,'" passed May 31, A. D. 1873, and find the same correctly engrossed.

DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 54, "An act incorporating Waco Lodge No. 70, Independent Order of Odd Fellows," and find the same correctly engrossed.

DEMORSE, for Committee.

The Speaker discharged the special sergeants-at-arms except W. H. Hardeman, thanking them in the name of the House in a few telling words for the truly satisfactory

manner in which they had performed the delicate and important duties entrusted to them.

The Committee on Towns and City Corporations submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Towns and City Corporations, to whom was referred House bill No. 53, entitled "An act supplemental to an act entitled 'An act to incorporate the city of Brenham and to grant a new charter to said city,'" approved February 4, 1873, have carefully considered the same and beg leave to report said bill back to the House with the recommendation that the same do pass. JAMES B. SIMPSON, Chairman.

The report was adopted.

On motion of Mr. Von Biberstein, the bill was read second time by caption and ordered engrossed.

On motion of Mr. Von Biberstein, the rules were further suspended, the bill read third time by caption and passed by a two-thirds vote.

The Speaker appointed the following gentlemen managers of impeachment in the case of Wm. Chambers, Judge of the First Judicial District: Simpson, Epperson, Farrar, Delany and O'Neal.

A message from the Senate announced the passage by that body of Senate bill No. 17, "Making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature of the State of Texas;" and Senate bill No. 2, "An act to regulate and define mileage to be paid members of the Legislature."

Mr. Rogers introduced a bill to authorize the County Court of Aransas county to levy a special tax to build a jail. Read first time and referred to the Committee on Finance.

Mr. Sayers introduced a bill validating the authentication and registration of certain instruments of writing. Read first time and referred to Judiciary Committee No. 1.

Leave being granted, the special committee to whom was referred the petition of Sam. Y. Smith, of Walker county, sitting member for that county, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your special committee—to whom was referred for investigation the petition of Samuel Y. Smith, sitting member of the Fifteenth Representative District, with agreed statement of facts thereto attached respecting the late election held in said district for Representative, and praying the House, by its judgment on said petition and facts to award the seat held by him either to said petitioner or to James V. Lea, who claims the right thereto, as to said House may seem

just and right—beg leave to report, that they find, that an election was duly held under the law in said Fifteenth Legislative District, and said Samuel Y. Smith and James V. Lea were candidates for election to a seat in this House. That the district composed of Grimes, Madison, Walker and San Jacinto counties, gave the following votes:

GRIMES.	
Sam Y. Smith.. . . .	1321
James V. Lea.... .	1312

Majority for Smith.....	9
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MADISON.	
Sam Y. Smith.. . . .	449
James V. Lea.....	449
No majority.	

WALKER.	
Sam Y. Smith.....	812
James V. Lea.....	778

Majority for Smith.....	34
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SAN JACINTO.	
Sam Y. Smith.....	242
James V. Lea.....	683

Majority for Lea.....	441
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These figures are taken from the agreed statement of facts referred as aforesaid, which shows that if only the vote of Grimes, Madison and Walker are counted, Sam Y. Smith is elected over James V. Lea by a majority of 43 votes, but if the votes of San Jacinto county are counted, together with those of Grimes, Madison and Walker, James V. Lea is elected over Sam Y. Smith by a majority of 398 votes. It further appears that the issue between the parties claiming the seat arises thus: the presiding justice of Walker county is, under the law, the returning officer of said Fifteenth District. The presiding justice of San Jacinto county, through mistake, mailed the election returns of that county to the presiding justice of Grimes county, instead of to the proper officer, the presiding justice of Walker county. By reason of this error the returns of San Jacinto county failed to reach the presiding justice of Walker county until the twenty-fifth day of December, 1873, more than twenty days after the election. The presiding justice of Walker county counted the votes on the twenty-sixth day of December, 1873, of Grimes, Madison and Walker counties, but excluded and failed to count the vote of San Jacinto county on the ground that it did not come to his hand within the twenty days succeeding the election day, the second of December, 1873. The result of the vote thus counted was, as before stated, a majority of forty-three votes for Sam Y. Smith. The issue, under these facts, presented for the determination of your committee is whether the vote of

San Jacinto county should be counted in determining whether Sam Y. Smith or James V. Lea were elected as Representatives from said district. Your committee are of the opinion that the presiding justice of Walker county erred in declining to count the vote of San Jacinto county, as he was in possession of the same when he counted the returns of Grimes, Madison and Walker counties.

Your committee therefore beg leave to report back the petition of Sam Y. Smith with agreed statement of facts, and recommend that the said James V. Lea, be seated as representative from said Fifteenth Legislative District, under the following resolutions:

1. *Resolved*, That the sitting member in this House, Sam Y. Smith, from the Fifteenth Legislative District, is not entitled to his seat in this House as Representative of said district.

2. *Resolved*, That James V. Lea having received a higher number of votes than Sam Y. Smith, of the votes cast in the Fifteenth Legislative District, he is entitled to a seat in this House as Representative from said district.

W. L. MOODY, Chairman,
D. U. BARZIZA,
H. MANNING,
IRA B. SADLER.

The report was adopted.

Mr. Smith, of Walker, stated that he approved the report of the committee, and asked that his successor be sworn in as soon as practicable.

Leave being granted, Mr. Stewart, of Montgomery, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on the Penitentiary respectfully report, to-wit: That they have nothing before them by bill, resolution or otherwise from the House whereon to take appropriate action. Your committee, however, deem it proper, for the more immediate or renewed information of the House, to report the terms and conditions upon which, under the act of March 22, 1871, the State Penitentiary and its convict labor were leased to the firm of Messrs. Ward, Dewey & Co., for the period of fifteen years, to-wit:

For the first period of five years of said lease, an annual rent payment of \$5000 and an annual repayment of \$10,000, expended by the State for the transportation of convicts to the Penitentiary; in all, the sum of \$15,000 per annum for the first five years.

For the second period of five years an annual rent payment of \$10,000, and an annual repayment of \$10,000 for convict transportation; in all an annual payment of \$20,000 for the second five years of said lease.

For the third period of five years, an annual rent payment of \$20,000, and for convict transportation annually \$10,000; in all \$30,000 to be paid annually for this last period.

Under the provisions of said act of March 22, 1871, the lessees are required to keep the buildings of said Penitentiary in good repair, and to construct such additional buildings and cells as, in the opinion of the directors and lessees, may be necessary for the proper accommodation of the employees and convicts; and with their approval, to erect such other walls and buildings, and make such other changes and alterations in the machinery as may be deemed necessary for the profitable employment of the labor of the convicts, for all of which, that may be in excess of the value of materials, machinery, money to buy machinery, and property, including walls, buildings and cells made at the time of making said lease, the State is bound to repay to said lessees.

Committee further report that under the provisions of the act passed June 7, 1873, the lessees of the Penitentiary were, for certain considerations and upon certain conditions, to have the benefit of a delay of payment of the sum of \$45,000 until the expiration of said lease in the year 1886, conditioned that seven per cent. interest per annum should be paid on the same, and provided that said sum of \$45,000 and interest, should be allowed to credit of said lessees, against the excess due to them for improvements on the Penitentiary at the end of the lease. The lessees were also to file a new bond to be conditioned and approved as required by law.

Committee have duly ascertained from the Hon. George Clark, Secretary of State, that a new bond executed by said lessees, duly approved by the late Governor, is now on file in his office.

Committee have been informed that some of the Penitentiary buildings now being erected are of an unnecessarily costly character to the undue debit and charge of the State, but nothing further or more definite in regard to the condition of the Penitentiary, and convicts, and affairs, and accounts, and of the compliance of the lessees with the obligations of their contract, can be known or ascertained, save through an appropriate "Commission of Investigation," to make the necessary examinations in the premises, at and in the Penitentiary.

They therefore have instructed me to submit the accompanying resolution for the consideration and action of the House.

C. B. STEWART, Chairman.

Resolved, That a committee of three be appointed by the Speaker, to proceed to the Penitentiary for the purpose of investigating its condition and affairs and accounts, and also the condition and proper treatment and

comfort of the convicts. Also, to inquire into the accounts of the inspectors of the Penitentiary since the day it was leased out; to ascertain what sum or sums of money have been appropriated to said Penitentiary by the Legislature since its lease; into whose hands said appropriations have come, what disposition has been made of the same; and whether or not proper vouchers have been filed, showing how said appropriations have been disposed of. And to inquire further what sum or sums of money, if any, belonging to convicts has or have come into the hands of any or either of said inspectors or any other person or persons, and also the name or names of said convicts; and what disposition has been made of said convicts' money, and whether such convicts be dead or living, the number and names of convicts who have been discharged or released or escaped, and upon what grounds discharged or released; the number and names of the convicts who have died and who have been killed, in attempting to make escape or otherwise; and report by resolution or otherwise.

Resolved further, That said committee be and they are hereby authorized to send or call for persons and papers to administer oaths, and to employ competent assistance to enable them fully to discharge these duties.

The resolutions were adopted.

On motion of Mr. McLeary, one hundred copies of the report and resolutions were ordered printed, and they were made special order for Monday, 12 M.

Mr. J. V. Lea came forward and was sworn in as Representative elect of the Fifteenth Senatorial District.

Mr. Moody introduced a bill to amend an act entitled "An act to incorporate the city of Galveston and grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter," approved May 16, 1871. Read first time.

On motion of Mr. Moody, the rules were suspended, the bill read by caption second time and ordered engrossed.

On motion of Mr. Moody, the rules were further suspended, the bill read third time by caption and passed by a two-thirds vote.

A message was received from his Excellency the Governor, returning House joint resolution No. 1, requiring presiding justices of each county to make duplicate returns of the vote for State officers and the constitutional amendments.

Mr. Edwards introduced a bill to authorize the county court of Rockwall county to collect a tax to build a jail. Read first time and referred to Judiciary Committee No. 2.

A message from the Senate announced

the passage by that body of House bill No. 46, an act to be entitled "An act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county."

Mr. Murphy introduced a bill authorizing the County Court of Cameron county to issue bonds for the purpose of funding the county indebtedness, and to provide for the payment of the same. Read first time.

On motion of Mr. Sayers, the rules were suspended, the bill read by caption second time and ordered engrossed.

On motion of Mr. Murphy, the rules were further suspended, the bill read third time by caption and passed.

Leave being granted, Judiciary Committee No. 1 submitted the following report: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

The Judiciary Committee No. 1, to which was referred a bill to be entitled "An act to confer additional jurisdiction on the presiding justice of the peace of Red River county and to prescribe the duties of the officers of said court," have had the same under consideration, and a majority of said committee have instructed me to report in favor of the passage of said bill.

JOHN W. HARRIS, Chairman.

The bill was read second time.

Mr. Sayers moved to amend by inserting in the bill the following counties: Gonzales, Cameron, Grayson, Panola, Wise, Cooke, Collin, Denton, Nueces, Grimes, Madison, Walker, San Jacinto, Travis, Bell, Robertson, Comal, Austin, Victoria, Hopkins, Wood, Raines, Delta, Hunt and Lamar.

Mr. Moody moved to recommit the bill to Judiciary Committee No. 2, and that the committee be instructed to report a general bill on this subject. Carried.

Mr. Rainey moved to have one hundred copies of the bill printed. Lost.

A message from the Senate announced the adoption by that body of a concurrent resolution concerning the election of a Senator to the Congress of the United States to succeed the Hon. J. W. Flanagan, whose term of office expires the third day of March, A. D. 1875, and asking the House to meet that body in joint session for the above purpose on Tuesday, January 27, 1874, at 12 o'clock M.; also, the adoption of a concurrent resolution concerning the employment of additional clerks, temporarily in the Comptroller's office.

Mr. Delany introduced a bill to provide for testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyer No. 133,023, dated November 12, 1872. Read first time and referred to the Committee on Agriculture and Stock raising.

The Committee on Engrossed Bills submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed bills have carefully examined House bill No. 61, "An act authorizing the County Court of Cameron county, to issue bonds for the purpose of funding the county indebtedness, and to provide for the payment of the same, and find the same correctly engrossed."

DE MORSE, Chairman,

Report from the Committee on Enrolled Bills.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined House bill No. 46, "An act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county," and find the same correctly enrolled, and have presented the same to the Governor for his approval, this day at 12 o'clock M.

E. D. LINN, Chairman.

Mr. Chambliss introduced a bill to provide for the sale of lands belonging to the common school fund, and the lands set apart for the several State asylums. Read first time and referred to the Committee on Education.

On motion of Mr. Denman, one hundred copies of the bill were ordered printed.

Mr. Denman introduced a bill to amend "An act entitled 'An act to establish a code of criminal procedure for the State of Texas.'" Read first time and referred to Judiciary Committee No. 1.

Mr. Murphy introduced a bill to fix the times of holding the District Court of the Sixteenth Judicial District of the State of Texas. Read first time and referred to Judiciary Committee No. 1.

Mr. Anderson introduced a bill to amend section first of an act entitled "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," approved April 28, 1873. Read first time and referred to Judiciary Committee No. 1.

Mr. Anderson introduced a bill to amend section first of an act supplemental to and amendatory of "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," approved June 2, 1873. Read first time and referred to Judiciary Committee No. 1.

Mr. McCuiston introduced a bill to require plaintiffs to give bond in certain cases. Read first time and referred to Judiciary Committee No. 2.

Mr. Rainey offered the following resolution:

Resolved, That the hall of the House of Representatives, is hereby offered for use on Saturday night the twenty-fourth day of January, to any whose names have been suggested as candidates for United States Senator, in order that they may, for the

satisfaction of those interested, have an opportunity of expressing their views on the issues of the day.

Adopted.

Mr. Smith of Travis, introduced a bill to authorize J. A. Cunningham and L. Thompson to construct and keep a toll bridge and ferry boat across the Colorado river. Read first time and referred to the Committee on Roads, Bridges and Ferries.

On motion of Mr. Easley, Mr. Brown of San Saba, was added to the Committee on Agriculture and Stock-raising.

On motion of Mr. Anderson, the House adjourned to 10 A. M. to-morrow.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 24, 1874. }

House met. Roll called; quorum present. Prayer by chaplain.

Absent—Messrs. Miller and Schmidt.

The Committee on Engrossed Bills submitted the following reports:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 53, "An act supplemental to an act entitled 'An act to incorporate the city of Brenham, and to grant a new charter to said city,'" approved February 4, 1873, and find the same correctly engrossed.

DE MORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 59, "An act to amend an act entitled 'An act to incorporate the city of Galveston, and to grant a new charter to said city, and repeal all acts heretofore passed to incorporate said city,' etc., and find the same correctly engrossed."

DE MORSE, for Committee.

The journal of yesterday was read, pending which a message from the Senate announced the passage by that body of House bill No. 54, "incorporating Waco Lodge No. 70, Independent Order of Odd Fellows," and Senate bill No. 14, "to authorize district judges to inquire into the sufficiency of the bonds of justices of the peace."

The reading of the journal having been finished, some corrections were made, and it was adopted.

On motion of Mr. Price, Mr. Miller was excused for the day.

On motion of Mr. Goodwin, Mr. Schmidt was excused for two days.

The Speaker appointed the following gentlemen a committee to examine and report upon the Penitentiary: Messrs. Stewart of

Montgomery, Chairman, Stuart of Falls, and Manning.

Judiciary Committee No. 2 submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to which was referred House bill No. 47, entitled "A bill to render valid and effectual the acknowledgment, proof and registration of all deeds and written instruments entitled to be recorded which have been acknowledged or proved between August 8, 1870, and May 6, 1871," have had the same under consideration, and have instructed me to report the same back and recommend its passage, with the following amendments:

1. Strike out the preamble.

2. Amend section two, by inserting in the sixth line, after the word "recorded," the following words: "between the eighth day of August, 1870, and the sixth day of May, 1871, both days inclusive"

All of which is respectfully submitted.

B. H. EPPERSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Further report from same committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to which was referred House joint resolution No. 1, "requiring the presiding justice of each county to make out duplicate returns for Comptroller, Treasurer, and other State officers, and on the constitutional amendments," have had the same under consideration, and believing that there is not now any occasion for such a law, have instructed me to report the same back and recommend its indefinite postponement.

All of which is respectfully submitted.

B. H. EPPERSON, Chairman.

The report was adopted.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to which was referred House bill No. 32, entitled "An act authorizing clerks of district courts and justices of the peace to issue writs of garnishment in certain cases," have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its adoption and passage.

All of which is respectfully submitted,

B. H. EPPERSON, Chairman.

Report adopted, and the substitute bill read second time and ordered engrossed.

On motion of Mr. Epperson, the rules were suspended, the bill read by caption third time and passed.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to which was referred

House bill No. 38, entitled "An act to change the name of David R. Clanton to David R. Cameron," have had the same under consideration and have instructed me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time by caption and passed.

Report from Committee on State Affairs:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 76, "An act to require the Secretary of State to furnish Liberty county with its quota of Supreme Court reports," have carefully examined the same, and instruct me to report the same back with the recommendation that the same be indefinitely postponed, and ask that the committee be discharged from the further consideration of the same, because in the opinion of your committee, it is impracticable at the present time for the State to furnish the county of Liberty a full set of the Supreme Court reports of the State.

SAYERS, Chairman.

The report was adopted, and the bill indefinitely postponed.

A message from the Senate announced the passage by that body of House bill No. 59, to amend "An act entitled 'An act to incorporate the city of Galveston and grant a new charter to said city, and to repeal all acts heretofore passed to incorporate said city,'" and Senate bill No. 7, "authorizing the County Court of Tyler county to levy a special tax for certain purposes."

The hour for the special order, House bill No. 17, "to compel the sheriffs, or ex-sheriffs, and the late treasurers of the boards of school directors, or those claiming to have been such, in the several counties of this State, to make a complete and final settlement with the county courts of said counties," having arrived, on motion of Mr. Rainey, it was postponed for half an hour.

On motion of Mr. Sayers, Senate joint resolution No. 18, "ratifying the amendments to section twenty of article one, bill of rights, to section two, section three, and section four, of article five; section twenty-eight, section forty and section forty-eight, of article twelve, of the general provisions of the Constitution of the State of Texas," was taken up and read third time.

Mr. Simpson moved to postpone the final vote upon the same until 12 M. to-day.

Yeas and nays being called for, the motion to postpone was lost by the following vote:

Yeas—Messrs. Speaker, Ballard, Epper-

son, Kessler, Lea, Meissner, Scott, Simpson, Triplett, Von Biberstein and Watts—11.

Nays—Messrs. Abnar, Anderson, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, Freeman, Galvan, Gellatly, Goodwin, German, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Middleton, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Smith of Travis, Smith of Houston, Smith of Grimes, Stewart of Montgomery, Stuart of Falls, Swain, Walker, Watson and Wortham—70.

The joint resolution then passed by the following vote:

Yeas—Messrs. Speaker, Abnar, Anderson, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, Gellatly, Goodwin, German, Harris, Harrison, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Middleton, Moody, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Simpson, Smith of Travis, Smith of Houston, Smith of Grimes, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—78.

Nays—Messrs. Ballard, Freeman, Mitchell, Meissner and Scott—5.

A message from the Senate announced the passage by that body of House bill No. 61, "Authorizing the County Court of Cameron county to issue bonds for the purpose of funding the county indebtedness and to provide for the payment of the same.

Mr. Sayers offered the following resolution:

Resolved, That the Judiciary Committees be required to report as early as practicable bills providing for all general laws contemplated by the adoption of the constitutional amendments.

Adopted.

Report from the Committee on Public Buildings:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, having examined the condition of the Executive Mansion, beg leave to submit the following report: That,

in our opinion, the front of the mansion, including the gallery floor, needs repainting; that the carpet of the lower hall should be removed, and a new carpet furnished; that some of the furniture needs revarnishing; further, that some of the rooms need repairs in the way of plastering. There also seems to be a deficiency of chairs. We therefore recommend an appropriation of six hundred dollars, or so much thereof as may be necessary, be set apart for said purposes.

D. D. ROSBOROUGH, Chairman.

The report was adopted.

A message from the Senate announced the passage by that body of House bill No. 53, supplemental to an act entitled "An act to incorporate the city of Bismarck, and to grant a new charter to said city," approved February 4, 1873; and Senate bill No. 8, "To reorganize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and to fix the time for holding the courts therein."

The special order being House bill No. 17, "To compel the sheriffs or ex-sheriffs, and the late treasurers of the boards of school directors, or those claiming to have been such in the several counties of this State, to make a complete and final settlement with the county courts of said counties," was then taken up, and considered by sections.

Mr. Lawhon moved to amend section one by inserting after the word "ex-sheriffs," in line nine, of the printed bill, the words "or other officers." Adopted.

Section one was then adopted.

Mr. Rainey moved to amend by inserting in line six, section two, after the word "ex-sheriffs," the words "or other officers." Adopted.

Mr. Swain moved to amend by inserting in line nine, after the word "schools," "and other purposes connected therewith." Adopted.

Mr. Sayers moved to amend by inserting in line nine, after the word "to," "public free."

Mr. Nicholson moved to amend by inserting in line eleven, after the word "all," the word "property." Adopted.

Mr. Rainey moved to amend by inserting after the word "ex-sheriffs," in lines twenty-two and twenty-nine, the words "or other officers." Adopted.

Section two was then adopted.

Section three was adopted.

Mr. Lawhon moved to amend section four by inserting after the word "ex-sheriff," in line four, the words "or other officers." Adopted.

Mr. Stuart of Falls moved to amend by inserting after the word "and," in line twelve, the words "for any failure or refusal." Adopted.

Mr. Sayers moved to amend by the addi-

tion of the following section, to become section five, and section five to be changed to section six: "Sec. 5. That the court, or any member thereof, failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be fined in a sum of not less than one hundred nor more than five hundred dollars." Adopted.

Mr. Rainey moved to amend the caption by inserting after the word "such," in line five, the words "or other officers." Adopted.

Mr. Sayers moved to amend the caption by adding thereto "and fix penalties for failure to comply therewith." Adopted.

The bill thus amended was adopted and ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time by caption and passed.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills beg leave to report that they have carefully examined, and find correctly enrolled, House bill No. 59, entitled "An act to amend an act entitled 'An act to incorporate the city of Galveston, and grant a new charter to said city, and to repeal all acts heretofore passed to incorporate said city,'" etc., and this day, at 11:15 o'clock A. M., presented the same to the Governor for his approval.

E. D. LINN, Chairman.

On motion of Mr. Epperson, the rules were suspended, and the Senate concurrent resolution inviting the House to meet that body in joint session on Tuesday, January 27, 1874, at 12 M., for the election of a United States Senator to succeed Hon. J. W. Flanagan, whose term expires March 3, 1875, was taken up and read.

On motion of Mr. Harrison, the resolution was adopted.

Report from the Committee on Roads, Bridges and Ferries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 52, entitled "A bill to incorporate the Wichita Bridge Company," have instructed me to report the same to the House and recommend its passage.

DENMAN, Chairman.

The report was adopted.

On motion of Mr. Harrison, the bill was referred to Judiciary Committee No. 1.

On motion, Mr. Lea was added to the Committee on Counties and County Boundaries.

The Speaker announced that the name of Mr. Lea would be substituted for that of Mr. Smith of Walker in the committees upon which the latter had been placed.

Mr. Nicholson introduced a bill to repeal an act entitled "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements," approved April 12, 1871. Read and referred to the Committee on Counties and County Boundaries.

By leave, Mr. Barziza presented a memorial of George W. Paschal, praying for relief. Read and referred to Committee on State Affairs.

Mr. Chambliss offered the following resolution:

WHEREAS, There has been great complaint against the Texas Central Railroad, on account of their exorbitant and irregular charges; therefore, be it

Resolved, That a committee of five be appointed to examine into the charter of said road and report to this House on the same as soon as practicable, noting all violations of their charter and laws of the State.

Mr. Barziza moved to refer the resolution to the Committee on Internal Improvements.

On motion of Mr. Rainey that motion was laid on the table. The resolution was then adopted.

Mr. Stewart of Montgomery introduced a bill to incorporate the German-American Ladies' College. Read first time and referred to Judiciary Committee No. 2.

Mr. Kessler introduced a bill to amend "An act entitled 'An act to incorporate the city of New Braunfels,'" approved May 11, 1846. Read first time and referred to the Committee on Towns and City Corporations.

Mr. Epperson offered the following resolution:

Resolved, That the chief clerk of the House of Representatives be instructed to have one hundred copies of the joint resolution ratifying the amendments to the Constitution passed to-day, printed for the use of the members of the House of Representatives.

Adopted.

Mr. Sadler offered the following resolution:

Resolved, That the House of Representatives return their thanks to Sam Y. Smith for the just and upright course pursued by him in the late contest between him and James V. Lea for a seat in this House.

(Signed)

IRA B. SADLER,
W. L. MOODY,
D. U. BARZIZA,
JAMES V. LEA.

Adopted.

The Speaker announced the following committee under the resolution to investigate the Texas Central Railroad management: Messrs. Chambliss chairman, Barziza, Goodwin, Epperson and Farrar.

BUSINESS ON THE SPEAKER'S TABLE.

The Senate concurrent resolution, "con-

cerning the employment of additional clerks temporarily in the Comptroller office," was read and adopted.

The House resolution, adding Messrs. Foote and Barziza to the Committee on Asylums, and making the same a standing committee of the House, was adopted.

Senate bill No. 2, "To regulate and define mileage to be paid members of the Legislature," was referred to the Committee on Finance.

Senate bill No. 7, "authorizing the county court of Tyler county to levy a special tax for certain purposes," was referred to Judiciary Committee No. 2.

Senate bill No. 14, "to authorize district judges to inquire into the sufficiency of the bonds of justices of the peace," was referred to Judiciary Committee No. 2.

Senate bill No. 8, "to re-organize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and fix the time for holding the courts therein," was referred to Judiciary Committee No. 2.

Senate joint resolution No. 12, "returning thanks to the President for upholding the right of local self-government in Texas," was referred to the Committee on Federal Relations.

Senate bill No. 17, "making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature of the State of Texas," was referred to the Committee on Printing and Contingent Expenses.

The following message from his Excellency the Governor was read :

EXECUTIVE OFFICE, }
AUSTIN, TEXAS, January 23, 1874. }
Hon. Guy M. Bryan, Speaker of the House of Representatives :

SIR—I have the honor to return to the House of Representatives, where it originated, House joint resolution No. 1, "Providing for a resort to secondary evidence to ascertain the results of the general election held December 2, 1873, for Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Superintendent of Public Instruction, and the vote upon the constitutional amendments," without my approval.

My reason for returning the same is, that the regular returns of said election have, since the passage of the resolution, been procured and counted, thus superseding the necessity existing at the time of the passage of the resolution of a resort to secondary evidence.

Very respectfully,

RICHARD COKE, Governor.

The joint resolution having been read, on motion of Mr. Epperson, it was laid on the table.

Leave being granted, Mr. Sayers introduced a bill to confer further jurisdiction

on presiding justices of the peace in the several counties in this State. Read by caption and referred to Judiciary Committee No. 2.

Leave being granted, Mr. McLeary introduced a bill to amend article four hundred and sixty-six of the Code of Criminal Procedure. Read by caption and referred to Judiciary Committee No. 1.

Mr. Cochran offered the following resolution :

Resolved, That the use of this hall be tendered to Bishop Bowman, of Kentucky, to preach in to-morrow at 12 o'clock and to-morrow night.

On motion of Mr. Swain the resolution was laid on the table.

On motion of Mr. Harrison, the House adjourned until 10 A. M., Monday.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 26, 1874. }

House met. Roll called, quorum present.
Absent—Mr. Beck.

Prayer by the chaplain.

On motion of Mr. DeMorse Mr. O'Neal was excused on account of sickness.

Pending the reading of the journal a message was received from his Excellency, the Governor, also a message from the Senate announcing the passage by that body of House bill No. 47, "An act to amend an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof," approved April 15, 1873, and House bill No. 3, appropriating the sum of twenty thousand dollars, or so much thereof as may be necessary to defray the contingent expenses of the first session of the Fourteenth Legislature.

The journal of yesterday was then read and adopted.

On motion of Mr. Epperson the rules were suspended and the following message from his Excellency was taken up and read.

MESSAGE OF THE GOVERNOR.

EXECUTIVE OFFICE, }
AUSTIN, January 26, 1874. }
Gentlemen of the Senate and House of Representatives :

The Constitution devolves on the Executive the duty of transmitting to your honorable bodies in writing, from time to time, statements of the condition of the different departments of the State government, and of all matters of public interest, and of making such suggestions and recommendations as shall be deemed expedient and advisable, for your consideration, in

reference thereto—causes not necessary to be recapitulated here, because well understood by yourselves and the country, have until the last few days, debarred the Executive, as well as yourselves, access to any of the records or archives of the several departments. My predecessor leaves no report of the operations of the government or the condition of the State since his last communication to the Thirteenth Legislature. I entered the executive office to ascertain as best I may, from its records, the history of the great mass of business transacted there in the last twelve months. No report from any of the late heads of departments have been made; none, I presume, will be made. They have retired from their offices leaving their successors to grope their way to a knowledge of the operations and present condition of their several departments through a mass of records and documents, which it will take time to explore. Finding myself thus situated, I have to say to your honorable bodies that I am unable at this time to give you the information necessary to intelligent and satisfactory action on your part. Nor for the want of such information can I suggest or recommend any anything for your consideration on the subjects which usually command much of the time and attention of the Legislature. For the purpose of arriving at a proper knowledge on which to base legislative action, I recommend your honorable bodies to send committees to each of the several departments to aid the new incumbents to ascertain their condition respectively and report thereon. The public interest demands a speedy investigation by competent persons, of the past operations and present condition of each of these departments. Necessary legislation must stand in a great measure obstructed until this is had, and therefore the sooner it is done the better. In the meantime, I respectfully invite the attention of your honorable body to some subjects in which action may be had without further delay, and which are of primary importance.

FRONTIER PROTECTION.

The efforts of the general government for protection of our extended line of frontier have proved unavailing. The people inhabiting that portion of the State have suffered long and greatly—their women and children have been butchered and many of them carried into captivity, worse than death, their property stolen and destroyed, and both person and property rendered so insecure by the continuous incursions and depredations of savage Indians, as not only to threaten, but actually on some portions of the line to drive in the settlements and depopulate the country.

These people are citizens of Texas, pay taxes to support the government, are

amenable to our laws and are entitled to protection. Every citizen of Texas is entitled to demand of the State government protection for life, liberty and property, in return for his homage to the government. Besides, the property interest among this people is large and valuable, and contributes very considerable to the revenues of the government. The country is picturesque, healthy, rich and productive, and, with proper security for person and property, would be most inviting to the immigrant, and would soon teem with population and wealth. Every consideration of humanity, justice and interest demands protection for the people of the frontier. The Federal government should give that protection, but failing to do it, Texas must discharge her duty to her people, must redeem that primary obligation due from every government to the citizen—protect him and his property. The tomahawk and scalping knife must be stayed in their bloody work, and the lives and property of our people made secure. The people of the frontier were assured, in the platform of the dominant party, that they should receive protection from the State government, and the administration just inaugurated is pledged to a policy which shall make good the assurance. I make no doubt that your honorable bodies will redeem the pledge. The Federal government is charged with the duty of guarding the frontier line, and it is unjust that Texas should bear the burden. We are informed by the events now transpiring in Congress that the representatives in that body from Texas have introduced and are pressing a bill, looking to measures which, it is believed, if enacted into law, will fully meet the necessities of the frontier in the matter of protection, and relieve Texas of the expense she must otherwise incur in taking care of her people. In view of the importance to Texas of the performance of this duty on the part of the general government, I suggest that a memorial from your honorable body to the Congress of the United States on this subject might be productive of some good, and give some aid to the Texas delegation in that body in procuring the necessary legislation. The past experience of Texas, however, demands that we shall no longer rely on that source, but provide ourselves for repelling the incursions of the Indians and protecting our people from their predatory raids. I know the question, how the frontier is to be protected, to be difficult of solution, considered with reference to the expenditure necessary for that purpose, and the ability of the State to meet it. It remains with the wisdom of your honorable body to give it the best practical solution that can be arrived at. That should be done which it is in the power of the State

to do, having reasonable regard for other public interests. I recommend to your consideration the general plan as indicated in sections two, three, four and six of the act to "provide for frontier protection and other purposes," approved December 15, 1863, which seems to me to involve a smaller expenditure and to promise greater efficiency than any other yet devised.

It is believed that under the operation of this plan the frontier enjoyed greater immunity from Indian depredation than at any time since its discontinuance. The wisdom of your honorable bodies will, I make no question, devise some plan for the protection of the frontier, if that referred to fails to meet your views. You will doubtless bear in mind that the weight of taxation resting upon the people of Texas is heavy, and that any system of frontier defense you may adopt should be such as comes reasonably within the ability of the government to maintain without necessitating oppressive taxation. The frontier must be defended, but on the cheapest possible plan to be effective. In order to bring home to the knowledge of the country, and direct the attention of the general government to the magnitude of the spoliation inflicted upon the people of Texas by the Indians, their great sufferings and losses, I suggest to your consideration, if it would not be wise to provide, by means of a commission created for the purpose, or through the agency of the district courts, for taking testimony to establish the amount, value and ownership of the property stolen and destroyed by the Indians on our frontier, reaching back, say, to the first of October, 1865. Besides demonstrating the enormous loss and destruction of property, and the consequent necessity for protection, a tangible basis will be furnished by this method for a claim on the Federal government for reparation to the losers, founded at least in equity and good conscience, and appealing to the sense of justice of the government for its recognition and settlement.

I transmit with this the report of Adjutant General Steele, made up from the records of his office, as found on his entry therein, together with the accompanying tables and papers, showing the number, whereabouts, etc., of minute men, frontier forces, etc., now in the field, period of service, etc. Also, statement of disbursements on account of frontier defense, and a statement of the number and character of arms belonging to the State, to which I respectfully call your attention.

THE CONSTITUTION.

It is admitted on all hands that the Constitution of Texas must be extensively and radically amended, or a new one adopted in the regular mode in a convention to be assembled for the purpose. The country

expects and demands a thorough change in many essential points, not necessary to be enumerated here, of the organic law.

There are two modes of changing the organic law. One is through the medium of a constitutional convention, and the other by amendment in the manner provided by the Constitution in section fifty, article twelve. This section provides that "the Legislature, whenever two-thirds of each house shall deem it necessary, may propose amendments to this Constitution; which proposed amendments shall be duly published in the public prints of this State at least three months before the next general election of representatives, for the consideration of the people," at which general election the popular vote is taken.

If it should be desirable, in the judgment of your honorable bodies, to pursue this course, a joint committee of your two houses could be appointed to prepare the amendments to be submitted to the two houses for their action; or any designated number of gentlemen, qualified by experience and ability, might be selected from the body of the people of Texas to prepare amendments to be submitted for the action of your honorable bodies. If submitted to the people by you, their vote would be taken in December, 1875, on them, unless the election is changed by your honorable bodies. If a convention to frame a new constitution is to be assembled, I suggest that the sooner it is done the better, and that as little legislation as can be gotten along with should be done by your honorable bodies now. A new constitution will require legislation to conform to it, and the undoing of much that you would do now.

If the desired changes are made in the Constitution, the mode in which the result is accomplished does not seem to me to be material, except so far as the expense is concerned.

I submit this matter for decision to the wisdom of your honorable bodies without further suggestion, satisfied that your action will be dictated by the best interests of the State.

IMMIGRATION.

The one thing needful in Texas is population. We want labor, thrifty industrious men and women who will reduce to cultivation and render productive our millions of acres of rich lands. The wealth of Texas lies dormant in her soil, and sleeps in the vast beds of ore and mineral which underlie her hills and valleys. The energy and effort of men alone, is needed to awaken it to life and action. It is a truism in political economy that "crowds of men make land valuable." We have the land, let us adopt the policy which will bring population to it, and develop its value. The eyes of the world are now turned to Texas; her vast re-

sources, the unequalled inducements she offers to immigrants is beginning to be appreciated; our railroad communications now tap the hive where the population swarms, and Texas is easy of access; the tide of immigration now pouring into her borders is strong and swelling, now is the propitious time by wise legislation to inaugurate a policy which shall to the fullest extent utilize our splendid opportunities to make Texas the home of the immigrant from every quarter of the world. It is seldom in the life of a people or a State that the future is so magnificent as is that of Texas now; with wise councils and intelligent, sagacious action her greatness in the near future is assured. Let us populate her territory with hardy, industrious, intelligent and enterprising men and women from the old and the new world, invite them to make homesteads and become citizens among us, and enjoy civil and religious liberty with us; set before them our advantages, the richness of our soil, the healthfulness of our climate, the cheapness of our lands, the variety of our productions, and the wealth which flows from intelligent, well-directed labor in Texas. Let us do this with judicious economy, by liberal advertisements and publications, and the establishment of agencies at appropriate points in the United States and in Europe, and our people will never regret the money expended in doing it. I earnestly invoke the attention and consideration of your honorable bodies to this subject and recommend liberal and comprehensive action on it.

INTERNAL IMPROVEMENTS.

The policy of Texas has been, since 1850, to encourage the construction of railroads by granting land subsidies. The wisdom of this policy has been vindicated by the results. In her struggling infancy, when her vast domain was her only resource, and the value of that was only nominal; when her population was so sparse, and her productions so meagre, as to offer no inducement to capital for investment in railroads through her territory, it was wise statesmanship to invite their construction by granting subsidies of land. This has remained the policy of the government to this time, notwithstanding a change of the circumstances which originally induced its inauguration.

In the election just passed, however, I understand, as one of its results, that this policy has been modified so as to restrict its operations to those sections of the State which have not heretofore received their due proportion of benefits under it. The platform upon which the new administration stood before the people in the late canvass, contains this modification, and I suggest that your honorable bodies should consider it, in any action you may take on this

subject. Some portions of the State have derived great benefits, have been made populous and prosperous under this policy, while other portions have not received its benefits; it would be unequal and unjust to deny the latter their proportion of benefits from a fund which was the common property of all, by allowing the former still another share of what is left of the public domain. It may be difficult to make a practical application of this idea in dealing with this subject, but it is believed that, bearing in mind and making an effort to do it in your legislative action, will result in an approximation to the end suggested. Within the sphere of this land subsidy policy, as recently modified, I recommend the same liberality that has heretofore obtained in encouraging the construction of railroads. Equal justice and sound policy alike demand that those sections of the State which now languish for the want of railroad facilities, shall be fostered and built up with the same means and care which has developed the growth and increased the wealth of the more highly favored sections. The unity of Texas, so dear to every patriotic heart, will be assured by this policy, which will bind with iron ties the remote sections of the State together, and unite our people in a common brotherhood, and our State in a common development.

The indiscriminate granting of charters to applicants, without inquiry into their solvency or responsibility, has been very damaging to the interests of the State, and should no longer be allowed. Hereafter it should be distinctly understood that charters will only be granted to those who are able to build railroads, and mean to do it. I recommend that no railroad charter be granted any company that cannot exhibit, in some mode to be designated by your honorable bodies, indubitable evidence of ability to commence the construction of the road, with reasonable prospects of completing it in accordance with the requirements of the charter; and that no forfeiture of a charter heretofore granted be relieved against, except upon the same conditions. I further recommend that no charter be granted, and that no forfeiture of one heretofore granted be relieved against, except upon the condition that the State reserves such power as will enable the government effectually to protect the people against oppressive charges for freight and travel; subject to such salutary and necessary restrictions as are demanded for the protection of the public interests, and as will surely subordinate railroad corporations to the supremacy of the government, in all matters where the welfare of the people may be affected. I recommend the utmost liberality of dealing with them. They

are a necessity for Texas. The wealth of the vast interior of Texas can alone be reached through them.

Texas has but little navigable water in her limits, and must rely almost solely on railroads for the transportation of her products; it is to them that she must look mainly for the development of her future greatness, and her government should encourage their construction in every mode consistent with a reasonable regard for other interests.

EDUCATION.

I commend to your especial consideration our system of public free schools, and the necessity of bringing it to such perfection that the children of the State may realize the benefits contemplated therefrom by the fathers of Texas.

The present law upon this subject, passed by your immediate predecessors, has not been on trial sufficiently long to justify a conclusion as to its sufficiency in meeting the requirements of the times. While an examination of its provisions may disclose some defects requiring action at your hands, it occurs to me that in the main it was a salutary enactment, and that its efficient execution will demonstrate the wisdom of its framers. It certainly brings the machinery of the system home to the people themselves, and places the officers thereof directly under their supervision and accountable to them.

I have full confidence that this admirable feature can be preserved, along with proper efficiency, and we should bend our efforts to this consummation. We must have common schools fully adequate to the wants and requirements of the State. At the same time we must remember that a proper system is of slow growth—to be amended and developed according to the dictates of experience, and the state of our available resources. In this connection I respectfully call to your attention the necessity of utilizing, in some manner, the magnificent school fund of our State, and of placing it in such condition that an annual revenue may arise therefrom, sufficient for all practical purposes, without the necessity of resorting to taxation.

The demand for education in our State is urgent and pressing, and we should begin to utilize every source of revenue in our reach for this purpose.

The children of the present generation are as much entitled to the benefits of public education as those who may come after them, and I cannot see the practical wisdom of keeping the almost entire school fund of the State locked up and lying dormant in unproductive lands, many thousands of acres of which are in settled counties, retarding each day their proper growth and development.

These lands are of three classes, to-wit: First, university lands. Second, the alternate sections of the public domain; and, third, the school lands, belonging, at least, originally to the several counties.

As to the power of control and disposal of the first two classes by the State, there can be no question; with regard to the third class there would seem to be some doubt.

I recommend to your honorable bodies a critical examination of the latter question, and what authority, if any, the State can constitutionally exercise over this species of property. If the control thereof remains with the State, then I recommend that some system be devised for the gradual sale of this class of lands to actual settlers only, for full value, upon long time, and upon proper interest, payable annually.

Provision should be made for the proper investment of the principal as paid in, and the application of the interest in such manner as may be legal and proper.

One of the greatest and most pressing wants which, more than any other, impedes the successful operation of our free school system, is a sufficient number of educated and trained teachers. Without these no system of public education can be a success. I earnestly recommend, in view of the urgent necessity, that your honorable bodies take measures looking to an early establishment, upon a liberal scale, of a Normal School for the education and training of teachers, to conduct and carry on our common free schools.

It is believed that an institution of this character is absolutely necessary to a successful prosecution of a general system of free schools, and that they are to be found in every State where such a system has attained any degree of excellence.

I regret that I have no data before me as to the present state of the public schools in Texas. There is no report in this office from the Superintendent of Public Instruction, but so soon as a report from that office is laid before me I will communicate it at once to your honorable bodies.

FINANCE.

Having no report from either the Comptroller of Public Accounts or the Treasurer, I am unwilling, until I can procure more exact and satisfactory information than can now be had from those departments, to make suggestions or recommendations on this subject. I will, however, in a few days, be able to communicate a reasonably accurate statement of the financial condition of the State, and propose to make it the subject of a special message to your honorable bodies. The delay in the performance of this duty results unavoidably from the fact that the new incumbents of the offices from which the necessary information must come

have just received possession of their offices and the records and archives pertaining to them, and having no previous familiarity with them must have some little time within which to make the necessary examinations in order to get up a report that can be relied on as accurate and correct.

As germane to this general subject, I recommend that special committees be appointed by your honorable bodies to examine into the management and general conduct of each of the several asylums, and of the penitentiary, with the view of cutting down, as far as possible, the expenses of their administration, and of correcting such abuses as may have crept into their management.

I make the same recommendation with reference to the several branches of the Executive department of the government, and suggest that it would be well for your honorable bodies to prescribe by enactment the hours for labor in those departments, or vest the power of doing so in the Executive. If the heads and employees of these departments are required to labor in their respective places, as men ordinarily do in business pursuits in private life, the expense of administering the several offices might possibly be considerably reduced in lessening the number of salaried employees. There is always danger to the public interest when important duties are left, without constant supervision by the trusted agents of the people, to employees. The course I suggest will, in addition to its economy, necessitate the performance by the heads of departments themselves, of labors which will keep the business of their respective offices constantly before them and thus insure to the public service the benefit of their skill and integrity in their several places.

It is justly expected by the people of Texas that the new administration of the government will be marked by the strictest economy in all its branches. The people in the late canvass received our pledge to that effect. I suggest the importance of the closest scrutiny of all expense incident to the public service, and tender you my cordial co-operation in reducing them to the lowest figure consistent with the public interest.

INSURANCE.

I feel it to be my duty to call to your attention the subject of insurance in our State, and especially to some of the evils thereof, which have become apparent to the most casual observer. Our people have hitherto invested but a small portion of their capital in incorporations of this character, and the vast bulk of the enormous insurance business in our State is done by foreign companies. I think I am justified in saying that there is no more constant and exhaus-

tive drain upon the resources of our State and people than this. For years past the State has been canvassed from one extremity to the other by traveling agents of foreign fire and life insurance companies, and local agencies, in addition thereto, have been established in every city, town and village. In some instances, at least, developments have proven that the solvency of some of these companies was not entirely beyond question, and imposition has been practiced upon our people which calls for some remedy at our hands.

No provision of law exists by which rights and remedies can be enforced in our home tribunals against these corporations; and the insured, in case of loss, are left, in a great measure, to the discretion and magnanimity of distant companies, or to their ideas of policy and expediency.

It is certainly the part of statesmanship to devise ways and means for the prevention of such imposition, especially, when, by so doing, we can prevent the outflow from the State of large amounts of money, and at the same time assist in the organization and development of home institutions of like character.

This question of insurance has engaged the legislative mind of most of the States of the Union, especially within recent years, and their statute books contain many provisions devised for the regulation of home, as well as foreign companies.

Being geographically distant from the great centres of capital, where these companies are, in the main, located, suits for the recovery of policies, on the part of our citizens, are necessarily attended with great delays and expense, and it therefore becomes the more urgent upon our part to give this matter our serious attention.

I recommend to your honorable bodies the passage of a general law, which shall authorize suit against all foreign insurance companies doing business in the State, to be instituted before a competent court in any county where it may have an authorized agent, requiring as a condition precedent to the transaction of any business by such company in this State, the filing with the Comptroller of Public Accounts a written instrument, duly signed and sealed, authorizing service upon any agent or agents of such company in this State, and consenting that service of process, original, mean or final, upon such agent or agents, shall be as valid as if served upon the company; and waiving all claim or right of error by reason of such service, I would suggest also as a further condition that each company of this character be required to file with the Comptroller of Public Accounts a certified copy of its charter, together with a statement, under oath, of its chief officers, stating the

name of the company, and where located, the amount of its capital, and its last annual statement.

In order that judgment in our courts may be properly executed and satisfied, it would be well also to require of such companies a deposit with the Comptroller of a certain amount of bonds of the United States, or of this State, to be held and applied to the satisfaction of adjudicated claims against such companies, under such regulations as in your wisdom you may deem right to prescribe.

ELECTIONS.

By the terms and requirements of article five, section twenty-two, of our State Constitution, the Governor is required to commission certain county officers; and by the provisions of section twenty-eight of "An act regulating elections," approved March 31, 1873, the Governor is required to commission all officers elect, except members of Congress, members of the Legislature and the Governor. I respectfully call to your attention that the last named act fails to provide any mode by which the Executive Department may be informed of the names of the officers elected in the several counties at any election. The State Department is required to keep a complete register of all the officers elected or appointed in the State, and unless some provision is made requiring district clerks or other competent authority to forward, after each election, to the State Department, certificates showing names of officers elected and qualified, with date of qualification, a compliance with the law will be impracticable. I suggest an amendment of our election law to the above effect.

LEGISLATION.

I call the attention of your honorable bodies to a portion of section twenty-four, article three, of the Constitution, which reads as follows:

"Bills may originate in either House and be amended, altered or rejected by the other; but no bill shall have the force of a law until on *three several days* it be read in each house, and free discussion be allowed thereon, unless in case of *great emergency* four-fifths of the house, in which the bill shall be pending, may deem it expedient to dispense with this rule."

The evident intent and purpose of this provision of the Constitution is to secure full and mature consideration to each bill before it becomes a law, and thereby to prevent hasty and ill-advised legislation.

It will be observed that this provision is express and mandatory in requiring that the bill shall be *read on three several days* in each House before it shall have the force of law, unless the rule is dispensed with in case of *great emergency* by a four-fifths vote. I submit with great deference to your honorable

bodies, that the precedents of the Legislature of Texas in recent years show frequent departures from the letter and spirit of this most wise and necessary constitutional provision. It has been recently a common practice to avoid a slight inconvenience by suspending the operation of this rule, when nothing less than a *great emergency* is a constitutional justification for this course. I take it upon myself to say that it is a rare occurrence in the Legislative history of this country that a *great emergency*, in the sense in which that term is used in the Constitution, occurs requiring a suspension of the constitutional rule. Yet it is a fact that hardly a day passes in which for some cause the rule is not suspended in your honorable bodies. It sometimes will occur that a delay which will admit the reading on three several days of a bill before it becomes a law, will be fraught with great danger and injury to the country or some of its interests, to meet this contingency, the Constitution provides for a suspension of this rule. But it can only be at rare intervals that such a state of things can exist to such an extent, that it can truly be said a *great emergency* has arisen.

To suspend this rule merely to suit the convenience of one or many persons is a perversion of the letter and spirit of the Constitution, a departure from a method found by experience absolutely essential to safe and conservative legislation, and consequently a precedent which I submit should not be sanctioned or followed.

Another abuse against which, with the utmost deference I warn your honorable bodies, is the practice which very much obtains in legislative bodies of only reading a bill by its title. I respectfully submit that the Constitution requires the bill itself read, and that a reading of the title only is not a compliance with the requirement. I commend to your honorable bodies as the only sure guaranty of wise and safe legislation, and as the only safeguard against hasty and ill-advised action, a close and strict adherence to the rule as prescribed in the Constitution, a rule founded in the wisdom and experience of ages, and of universal prevalence, as shown by its adoption into the organic law of the Union and of every State in it.

Knowing the precedents on this subject, and believing them unwise, inexpedient and unconstitutional, I am led to make these suggestions on the threshold of your labors, more to invite the attention of your honorable bodies to the text of the Constitution and the dangerous consequences flowing from a departure from it, than from any action of your honorable bodies during the short time you have been in session.

CONCLUSION.

In conclusion, gentlemen. I will add that

the short time within which, when greatly pressed with other business, I have had to prepare this message, and the entire absence of the usual reports from the other branches of the Executive department of the government is my apology for its meagreness. I commend the subjects treated to your consideration, and express the hope and belief that the deliberations of your honorable bodies will be harmonious, and that your action will be conducive to the best interests of the people of Texas.

Very respectfully,

RICHARD COKE.

REPORT FROM ADJUTANT GENERAL STEELE.

ADJUTANT GENERAL'S OFFICE,
STATE OF TEXAS,
Austin, January 23, 1874.

To His Excellency Richard Coke, Governor of State of Texas.

SIR—In obedience to your instructions I submit the following report of the condition of my office, as far as I have been able to ascertain. It must necessarily be imperfect from the want of data:

Of the funds appropriated for disbursement in this department, I find that the contingent fund for the year ending thirty-first August next, has already been overdrawn.

Of the fund for frontier service there remains \$3629 31 with accounts already presented, more than sufficient to absorb that amount with doubtless more to come.

There is a balance in the treasury of unexpended contingent fund for the year ending thirty-first August last, the use of which is of doubtful legality.

There is no supply of stationery on hand, although a considerable bill appears to have been ordered and paid for in August last.

As to the troops in the pay of the State, I refer you to statement herewith, from which you will see that the sum of \$48,683 63 has been expended on account of minute companies called out under the acts of November 25, 1871, and June 2, 1873, and that accounts have been presented up to this time for the additional sum of \$4405 50 for the same service, which have not been paid. You will also see that five companies have reported under the call of the late Executive, dated November 1, 1873. The pay of these companies was estimated at \$3950 per month, including commutation of clothing, with an addition of fifty cents *per diem* to each man for provisions and \$482 18 for the forage of one company one month.

I find that my predecessor has paid the minute men by drawing from the treasury the whole amount of a pay roll, placing the

same to his account in bank and checking upon it, and signing his name in this connection as ex-officio paymaster, for all of which I have seen no authority.

The statement of arms herewith, is taken from the statement of my predecessor on the thirty-first December last. Only a small portion of the arms are in hand, the greater portion being reported as in the hands of militia, formerly (State Guards) volunteer companies, minute men, surveying and geological parties, penitentiary and private individuals.

It is likely that a great discrepancy will be found to exist when the actual number available can be ascertained. The arms, ammunition and equipments in hand are stored in a rented house, which is not well adapted to that purpose.

The appropriation for my office only authorizes the employment of one clerk, which is entirely insufficient for the labor to be performed.

My predecessor appears to have had constantly employed at least three, with an occasional increase to five clerks, which were paid, I am informed, from the frontier fund.

In view of the above mentioned facts, I would respectfully recommend that appropriations be asked for as follows:

Contingent expenses to August 31...\$ 800
Hire of two clerks, at \$125 per month. 1,500
Printing, muster rolls, etc..... 500

Also an allowance, when traveling on public business, of ten cents per mile, or actual traveling expenses.

I would also suggest the propriety of selling State arms to troops called into service, inasmuch as arms issued to troops appear to have been rarely returned, and are ultimately either paid for by the soldier or lost to the State.

Respectfully,

WM. STEELE,
Adjutant General.

List of arms pertaining to State of Texas in hands of Militia, State Guard, Minute companies, Independent companies and private parties:

Winchester carbines.	717
Sharp's carbines.....	244
Jocelyn carbines.....	25
Springfield rifles.....	519
Remington rifles	1,000
Muskets, old United States	120
Winchester carbine cartridges...1,301,100	
Sharp's carbine cartridges...	73,280
Jocelyn carbine cartridges...	1,400
Springfield rifle cartridges	9,310
Remington rifle cartridges...	21,900
Parrot guns....	4
Gun carriages and limbers	4
Cassons and limbers....	1

Minute Companies in service of the State of Texas during year 1873 and now.

Company.	Counties.	Station.	Commanding officers.	Date of entry into service.
A	Blanco . . .	Round Mountain.	Lieut. S. B. Gray.....	Apr. 1, '73
B	Wise	Decatur.....	Lieut. G. W. Stevens..	Aug. 7, '73
C	Kendall . .	Boerne	Lieut. J. C. Nowlin.....	Mar. 1, '73
D	Comanche ¹	Sipe Springs.....	Lieut. J. A. Wright	May 25, '72
E	Kerr	Comfort.....	Lieut. H. Schwethelm..	Apr. 7, '73
F	Gillespie. .	Fredericksburg. .	Lieut. B. F. Casey.....	Nov. 21, '73
G	Brown.....	Brownwood.	Lieut. Geo. H. Adams..	June 5, '72
H	Hays	Mountain City...	Capt. Asa Johnson	June 8, '72
I	Cooke	Blocker Station. .	Lieut. J. M. Waide.....	Apr. 24, '72
K	Bandera ² .	Bandera.....	Lieut. Robt. Ballantyne.	Nov. 5, '72
L	Coleman . .	Camp Colorado. .	Lieut. J. M. Elkins.....	Nov. 7, '73
M	Lampasas .	Lampasas.	Lieut. E. W. Greenwood	Sept. 12, '73
N	San Saba .	San Saba.....	Lieut. W. H. Ledbetter.	Sept. 19, '73
O	Burnet. . .	Burnet.....	Lieut. W. H. Sims	Aug. 19, '72
P	Parker. . .	Cartersville.....	Lieut. J. C. Gilleland...	Oct. 29, '73
Q	Llano	Llano	Lieut. John M. Smith...	Oct. 30, '73
R	Mason	Mason	Lieut. C. C. Smith.....	Dec. 9, '73
S	Jack	Jacksboro.....	Lieut. N. Atkinson.....	Aug. 23, '72
T	Palo Pinto	Palo Pinto	Lieut. J. H. Caruthers..	Oct. 1, '73
U	Montague .	Montague.	Lieut. J. J. Willingham.	May 31, '73
V	Medina . . .	Castroville	Lieut. Geo. Habey.....	Aug. 31, '72
W	Webb.....	Laredo	Lieut. J. D. Martinez...	Oct. 3, '72
X	Maverick ² .	Eagle Pass.....	Lieut. Manuel Ban.....	Oct. 8, '72
Y	Uvalde . . .	Uvalde.....	Lieut. F. L. Bates.....	Oct. 12, '72
Z	Erath	Stephensville....	Lieut. C. M. O'Neal	May 29, '73
1	Kerr	Kerville.....	Capt. W. P. Calloway ..	Sept. 5, '73
2	Gillespie. .	Fredericksburg. .	Lieut. Geo. Laremore...	Nov. 21, '73
3	Kinney . . .	Brackett City....	Capt. J. H. Kennedy..	June 6, '73
4	Callahan. .	Brownwood P. O.	Lieut. John W. Jones .	Oct. 6, '73
5	Menard ³ ...	Menardville . . .	Lieut. P. H. Mires.....	Aug. 25, '73
	Parker ⁴ ...	Weatherford.....	Capt. W. L. Hunter....	Nov. 29, '73
	Palo Pinto ⁴	Palo Pinto	Capt. W. C. Adams....	.....
	Erath ⁴	{ Stephensville..	Capt. Jas. Martin.....	Dec. 6, '73
	Comanche ⁴			
	Jack ⁴.....	.....	Capt. S. W. Eastin....	Dec. 3, '73
	Wise ⁵.....	.....	.....	.....
	Montague ⁵	.....	.....	.....
	Young ⁵...	.....	.....	.....
	Brown ⁵...	.....	.....	.....
	McCulloch ⁵	.....	.....	.....
	San Saba ⁵	.....	.....	.....

¹ Reorganized. Bond not filed.² Reorganized.³ Not armed.⁴ Seventy-five men.⁵ Seventy-five men. In process of organization.

WILLIAM STEELE, Adjutant General.

Statement of Disbursements on Account of Frontier Defense (Minute Men and Frontier Forces), under provisions of Act approved November 25, 1871, and Acts approved June 2, 1873, to December 31, 1873.

When paid.	Mileage.	Services.	Purchase of ordnance and ordnance stores.	Transportation.	Courier service.	Repairing arms.	Clerk hire.	Rent of Arsenal	Horses lost in action.	Services as storekeeper.	Telegraphing	Medical supplies.	Postage.	Advertising, 1870.	Printing	
December 7 '72	..	\$1,196 00														.....
January 6, '73	..	968 00			\$36 00		\$100 00	\$247 00								.....
January 18, '73	..	7,616 60		\$13 60												.....
February 7, '73	\$57 00	2,222 00					100 00	82 50								.....
February 28, '73	.....	4,978 00		35 00			100 00	82 50								.....
March 8, '73	.....	776 00														.....
March 24, '73	.....	304 00														.....
April 2, '73	64 00	4,826 00		31 90			100 00	44 00	\$1,220 00	\$50 00						.....
April 24, '73	75 50	1,590 00		184 00							\$0 90					.....
May 6, '73	42 50	2,523 00		8 85	6 00		100 00	44 00		50 00	2 70					.....
June 10, '73	.....	4,944 25			177 00							\$90 00	\$10 00			.....
August 6, '73	.....	3,033 00		3 82	35 00		50 00						22 64			.....
August 9, '73	49 00	608 00				\$1 15										.....
August 15, '73	.....	1,282 00												\$96 00		.....
Sept'mb'r 3, '73	45 50	2,598 00		244 45	16 00		100 00									.....
Novemb'r 1, '73	62 00	276 00		8 10		53 95	100 00									.....
Novemb'r 5, '73	.....	1,832 00														.....
December 5, '73	.....	856 00		17 45		14 50	100 00						88 37		\$50 00	.....
Dec'mb'r 17, '73	75 00	1,856 00		8 40												.....
Total	\$470 50	\$44,284 85		\$555 07	\$270 00	\$69 60	\$850 00	\$500 00	\$1 220 00	\$100 00	\$3 60	\$90 00	\$121 01	\$96 00	\$50 00	\$48,680 63

In addition to the above, rolls have been received and not yet paid amounting to.....	\$3,096 00
Other rolls returned for correction, probably	1,200 00
Bills for repairs of arms.....	109 50
	\$4,405 50
Amount of Frontier Fund now reported in Treasury.	3,629 31

WILLIAM STEELE, Adjutant General.

Mr. Epperson offered the following resolution :
Resolved, That five thousand copies of the Governor's message be printed in English, three thousand in German and two thousand in Spanish, for the use of the House; and that so much of the message as refers to the frontier, be referred to the Committee on Indian Affairs; and so much as refers to a constitutional convention, be referred to the Committee on Constitutional

Amendments; that so much as refers to railroads, be referred to the Committee on Internal Improvement, so much as refers to education, be referred to the Committee on Education; that so much as refers to finance, be referred to the Committee on Finance; that so much as refers to immigration, be referred to the Committee on Immigration; that so much as refers to insurance, be referred to the Committee on State Affairs; that so much as refers to election, be re-

ferred to the Committee on Privileges and Elections; and that the remainder of the message be referred to the Committee on State Affairs.

Adopted.

Judiciary Committee No. 1 submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to which was referred a bill to be entitled "An act to authorize the County Court of Milam county to levy a special tax to build a jail," have considered the same and recommend its passage.

JOHN W. HARRIS, Chairman.

The report was adopted and the bill read second time.

Mr. Simpson moved to recommit the bill to Judiciary Committee No. 1. Carried.

Further report.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to which was referred the joint resolution, "authorizing and requiring the Secretary of State to furnish a set of the Texas Reports to Limestone county," have considered said resolution and have instructed me to recommend that it be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted and the bill indefinitely postponed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to which was referred a bill to amend the first section of "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," have duly considered said bill and have instructed me to recommend that it be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted and the bill indefinitely postponed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to which was referred a bill to be entitled "An act validating the authentication and registration of certain instruments of writing," have had said bill under consideration and recommend its passage.

JOHN W. HARRIS, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Reports from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined House bill No. 53, entitled "An act supplemental to 'An act, en-

titled 'An act to incorporate the city of Brenham, and to grant a new charter to said city,'" approved February 4, 1873, and find the same correctly enrolled, and have presented the same to the Governor for his approval this day at 11:30 A. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills, beg leave to report that they have examined and find correctly enrolled House bill No. 54, entitled "An act incorporating Waco Lodge No. 70, Independent Order of Odd Fellows," and this day at 10 o'clock A. M. presented the same to the Governor for his approval.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills beg leave to report that they have examined and find correctly enrolled House bill No. 61, entitled "An act authorizing the County Court of Cameron county to issue bonds for the purpose of funding the county indebtedness and to provide for the payment of the same," and on Saturday the twenty-fourth inst, at 5 o'clock P. M. presented the same to the Governor for his approval.

E. D. LINN, Chairman.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully examined House bill No. 38, "An act to change the name of David R. Clanton to David R. Cameron," and find the same correctly engrossed.

DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed bills have carefully examined House bill No. 32, "An act authorizing clerks of district courts and justices of the peace to issue writs of garnishment in certain cases," and find the same correctly engrossed.

DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully examined House bill No. 49, "An act to render valid and effectual the acknowledgment, proof and registration of all deeds and written instruments entitled to be recorded, which have been acknowledged or proved between August 8, 1870, and May 6, 1871," and find the same correctly engrossed.

DEMORSE, for Committee.

Bills and resolutions being in order, Mr. Simpson introduced a bill to regulate fire, marine, life and health insurance companies,

and all associations, partnerships or individuals doing fire, marine, life and health insurance business not incorporated by the State of Texas. Read first time and referred to Judiciary Committee No. 1.

Mr. Sayers introduced a bill to regulate the time of holding sessions of the Supreme Court. Read first time and referred to Judiciary Committee No. 2.

Mr. Kemble offered the following resolution.

WHEREAS, The heads of the department of State have failed to make the usual and necessary annual reports to the Fourteenth Legislature; therefore, be it

Resolved, That the standing committees on the offices of the Comptroller and Treasurer be requested at once to make a full and complete investigation of all matters touching the financial condition of the State, and report to this House at as early a day as such report can be made, and that the committee, or so many of them as are necessary to make such investigation, be relieved from attendance on this House while engaged in such investigation.

Adopted.

Mr. Barziza offered the following resolution:

Resolved, That the Judiciary Committee No. 2 be instructed to report a bill prescribing the times and places of holding the Supreme Court as contemplated by the constitutional amendments.

The resolution was adopted.

Mr. Harrison offered the following resolution:

Resolved, That the Committee on Claims and Accounts be instructed to take into consideration Treasury warrant No. 1037, due for frontier protection, and report by bill or otherwise.

Adopted.

Mr. Moody introduced a bill to amend the first section of "An act to incorporate the Texas Banking and Insurance Company," approved June 28.

Read first time and referred to Judiciary Committee No. 2.

Mr. Manning offered the following resolution:

WHEREAS, We believe the judicial department of the State government is defective; and demands the attention of the Legislature; therefore,

Resolved, That Judiciary Committee No. 2 be, and they are hereby, instructed to consider at once the subject of re-districting the State, with the view of lessening the number and also to regulate proceedings therein for the dispatch of business by its officers, and the adoption of the most rigid but wholesome rules in regard to practice of attorneys in said courts, and to report by bill or otherwise.

Adopted.

Mr. Manning offered the following resolution:

WHEREAS, There is great complaint made about delayed freight and cotton, and to prevent the re-handling of freight and cotton, and to expedite the transportation and to lessen the costs and charges on the same; therefore,

Resolved, That the Committee on Internal Improvements be, and they are hereby, instructed to consider at once the necessity of having a third rail laid down on the Galveston, Houston and Henderson Railway, said rail to be of the gauge or width of, the Houston and Great Northern Railway, and to report by bill or otherwise.

The resolution was adopted.

A message from the Senate announced the adoption by that body of a concurrent resolution "appointing a committee of three to take into consideration the propriety of lighting the State House with gas, and to report the result of their investigation at an early day," that Senators Westfall, Dawenport and Wood had been named a committee on the part of the Senate, and asking a like committee on the part of the House.

The special order, being the report and resolution of the Committee on Penitentiary, was announced, and the report and resolution read.

On motion of Mr. Kessler, the report was amended by striking out of line 71, the word "deceased," and inserting in lieu thereof the word "late."

The resolution was then adopted.

Mr. McCuiston introduced a bill to amend "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870. Read first time and referred to Judiciary Committee No. 2.

Mr. Henderson of Smith, introduced a bill to enlarge the county of Gregg. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. Smith of Grimes, introduced a bill to authorize and instruct assessors, collectors and sheriffs to receive State warrants in payment of State taxes to the amount of one-half of said tax. Read first time and referred to the Committee on Finance.

Mr. Hayes introduced a bill making it a felony to borrow or hire any animal or vehicle, and dispose of the same by sale, gift or otherwise, without the consent of the owner. Read first time and referred to Judiciary Committee No. 1.

Mr. McLeary introduced a bill to authorize parties to sue in certain cases before the district courts for headright certificates, and to provide for the issuance of the same. Read first time and referred to the Committee on Public Lands and Land Office.

Mr. Wortham introduced a bill to require the clerk of the District Court of Wood county to index the records in his office, and providing for his payment therefor. Read first time and referred to Judiciary Committee No. 2.

On motion of Mr. Kemble, Mr. Douglass was transferred from the Committee on Private Land Claims to the Committee on Indian Affairs.

Mr. Barziza introduced a joint resolution calling a constitutional convention on the first Monday in June, 1874. Read first time.

Mr. Simpson moved to postpone the further consideration of the joint resolution until Thursday, January 29, 1874, at 12 m., and making it special order for that time.

Mr. McLeary moved to refer to the Committee on Constitutional Amendments.

The motion to postpone and make special order was put and failed to carry.

The motion to commit was then adopted.

Leave being granted, Mr. Reeves presented a petition of the citizens of Adra, Montague county, Texas. Read and referred to the Committee on Education.

Mr. McCuiston introduced a bill to repeal "An act entitled 'An act to authorize the clerks of the district courts and the justices of the peace of the several counties to issue executions after the adjournment of each term of their respective courts against the plaintiff or defendant for costs created by them in any suit therein.'" Read first time and referred to Judiciary Committee No. 2.

On motion of Mr. Swain, the House adjourned to 10 A. M. to-morrow.

THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 27, 1874. }

House met. Roll called; quorum present.
Prayer by chaplain.

The journal of yesterday was read and adopted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 58, "An act validating the authentication and registration of certain instruments of writing," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Barziza offered the following resolution:

WHEREAS, The House Committee on the Comptroller's and Treasurer's Offices have been instructed to "make a full and complete investigation of all matters touching the financial condition of the State;" therefore be it

Resolved, That said committee be authorized to employ all necessary clerical assistance, not exceeding two clerks.

Adopted.

Mr. Foote introduced a bill to amend an act entitled "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman," passed June 4, 1873. Read first time and referred to Judiciary Committee No. 2.

Mr. Reeves introduced a bill amendatory of "An act supplementary to 'An act authorizing the disposition and sale of the University lands,'" approved August 30, 1856, approved November 12, 1866. Read first time and referred to Judiciary Committee No. 2.

A message from the Senate announced the passage by that body of Senate bill No. 13, to amend "An act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870.

Mr. Epperson introduced a bill to establish and maintain normal schools in the State of Texas. Read first time and referred to the Committee on Education.

On motion of Mr. Smith of Grimes, Mr. Bruce was added to the Committee on Education.

Mr. Schmidt introduced a bill to create a lien in favor of the proprietors of livery or other public stables. Read first time and referred to Judiciary Committee No. 2.

Mr. Lea introduced a bill to adjust and define the western boundary line of San Jacinto county. Read first time and referred to the Committee on Counties and County Boundaries.

The concurrent resolution, relative to lighting the State House with gas, was taken up and referred to the Committee on Public Buildings.

House bill No. 20, "to repeal an act prohibiting the sale of liquor in certain places, so far as applies to Moscow," was taken up, read third time and passed.

House bill No. 14, "to authorize the County Court of Panola county to levy and collect a special tax for the payment of the indebtedness of said county," was taken up, being on third reading.

On motion of Mr. McLeary, it was referred to Judiciary Committee No. 2.

House bill No. 49, "to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities or towns," was taken up, read third time and passed by the following vote:

Yeas—Messrs. Speaker, Barziza, Bean, Brown of Gregg, Brown of San Saba, Cain, Chambliss, Cochran, DeMorse, Easley, Eastland, Edwards, Epperson, Farrar, Galvan, Gellatly, Goodwin, Harris, Henderson of Smith, Johnson, Kessler, Lea, Linn, Man-

ning, Massey, McLeary, Middleton, Moody, Murphy, Meissner, Oxsheer, Patrick, Reeves, Rosborough, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Stewart of Montgomery, Stuart of Falls, Watson, Wortham—44.

Nays—Abnar, Anderson, Ballard, Beck, Brown of Harrison, Bruce, Delany, Denman, Donald, Douglass, Foote, Freeman, German, Harrison, Hart, Hayes, Helton, Henderson of Kendall, Jackman, Jenkins, Kemble, Lawhon, Lindsey, Matthews, McCuiston, Mitchell, Miller, Nicholson, Patterson, Pickett, Price, Rainey, Rogers, Roberts, Sadler, Sayers, Smith of Houston, Stephens, Swain, Triplett, Walker and Watts—42.

House bill No. 27, to amend "An act entitled 'An act to adopt and establish a Penal Code for the State of Texas,'" approved August 26, 1856, was read third time and passed.

Report from Committee on Engrossed Bills: *Hon. Guy M. Bryan Speaker of the House of Representatives:*

Your Committee on Engrossed Bills have carefully examined House bill No. 17, "An act to compel sheriffs or ex-sheriffs and the late treasurers of boards of school directors or those claiming to have been such, or other officers in the several counties of this State, to make a complete and final settlement with county courts of said counties, and fixing penalties for failure to comply therewith," and find the same correctly engrossed.

L. J. STOREY, Chairman.

On motion of Mr. Rainey, the House took a recess until 12 M.

The House was called to order at 12 M. Roll called, quorum present.

The House then proceeded to the election of a United States Senator to succeed the Hon. J. W. Flanagan, whose term expires March 4, 1875.

Mr. Epperson placed in nomination the name of Hon. James W. Throckmorton, of Collin county.

Mr. Galvan put in nomination the name of Hon. Webster Flanagan, of Rusk county.

Mr. Sayers put in nomination the name of Hon. J. H. Reagan of Anderson county.

Mr. Freeman put in nomination the name of Judge Livingston Lindsey, of Fayette county.

Mr. Wortham put in nomination the name of Gen. S. B. Maxey, of Lamar county.

The first ballot being taken, resulted as follows:

Throckmorton	33
Reagan	30
Flanagan	8
Maxey	17

Whereupon the Speaker declared no one had received a majority.

Mr. Hayes offered the following resolution:

Resolved, That the clerk of the House be required to record the vote cast by each member of this body for United States Senator, showing for whom each member voted.

Mr. Anderson moved to lay the resolution on the table, which was lost by the following vote:

Yeas—Messrs. Speaker, Anderson, Ballard, Bean, Cain, Delany, Douglass, Gellatly, Goodwin, Harris, Hart, Helton, Henderson of Kendall, Jenkins, Johnson, Linn, Manning, Massey, Oxsheer, Patrick, Rainey, Rogers, Sadler, Schmidt, Scott, Simpson, Smith of Houston, Stephens, Storey, Stuart of Falls, Triplett, Von Biberstein, Watts and Wortham—34.

Nays—Messrs. Abnar, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Chambliss, Cochran, Denman, DeMorse, Donald, Easley, Eastland, Epperson, Farrar, Foote, Freeman, Galvan, German, Harrison, Hayes, Henderson of Smith, Jackman, Kemble, Kessler, Lawhon, Lea, Lindsey, Matthews, McCuiston, Mitchell, McLeary, Middleton, Miller, Moody, Murphy, Meissner, Nicholson, O'Neal, Patterson, Pickett, Price, Reeves, Rosborough, Roberts, Sayers, Smith of Travis, Smith of Grimes, Stewart of Montgomery, Swain, Walker and Watson—53.

Mr. Epperson offered the following resolution as a substitute for the one pending, which was accepted:

Resolved, That the clerk call the names of members, and each member be requested to announce the name of the person for whom he voted on the first ballot, the clerk noting the same, and that in future ballots the names of those voting shall be kept and recorded.

The resolution was adopted.

The roll being called, it appeared that on the first ballot the following gentlemen voted for Hon. J. W. Throckmorton: Messrs. Ballard, Bean, Brown of San Saba, Cochran, Delany, Donald, Easley, Edwards, Epperson, Foote, Freeman, Harris, Hart, Henderson of Kendall, Jackman, Kemble, Kessler, Lawhon, Lea, McLeary, Middleton, Miller, Murphy, O'Neal, Pickett, Price, Reeves, Rogers, Schmidt, Smith of Travis, Stewart of Montgomery, Triplett and Walker—33.

The following gentlemen voted for Hon. John H. Reagan: Messrs. Anderson, Barziza, Brown of Gregg, Chambliss, Denman, Eastland, Farrar, Gellatly, Goodwin, Harrison, Helton, Henderson of Smith, Johnson, Lindsey, Linn, Manning, Massey, Matthews, Oxsheer, Patrick, Rainey, Rosborough, Sadler, Sayers, Simpson, Smith of Houston, Smith of Grimes, Stephens, Von Biberstein and Watts—30.

The following gentlemen voted for Hon. Webster Flanagan: Messrs. Abnar, Beck,

Brown of Harrison, Galvan, Mitchell, Meissner, Roberts and Scott—8.

The following gentleman voted for Gen. S. B. Maxey: Mr. Speaker, Bruce, Cain, DeMorse, Douglass, German, Hayes, Jenkins, McCuiston, Moody, Nicholson, Patterson, Storey, Stuart of Falls, Swain, Watson and Wortham—17.

On motion of Mr. Epperson, the House adjourned until 10 A. M. to-morrow.

FOURTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 28, 1874. }

House met. Prayer by the chaplain. Roll called; quorum present.

The journal of yesterday was read and adopted.

Mr. Von Biberstein presented a petition from citizens of Washington county, relative to the improvement of public roads. Read and referred to the Committee on Roads, Bridges and Ferries.

Mr. Foote presented a petition from citizens of McKinney requesting amendment of their city charter. Read first time and referred to the Committee on Towns and City Corporations.

Report from Judiciary Committee No. 2.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred House bill No. 60, entitled "An act to authorize the County Court of Rockwall county, to collect a tax to build a jail," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Mr. Epperson moved to suspend the rules and put the bill on its third reading. The motion carried, the bill was read third time and passed.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred, "An act to incorporate the German Ladies College," and "An act to incorporate the Little Wichita Bridge Company," being House bills Nos. 71 and 52, have had the same under consideration, and have instructed me to report the same back and recommend that they do not pass; because the General Corporation Act of December 2, 1871, provides a mode for the organization of such corporations as contemplated by said bills, and your committee do not think any special legislation necessary in these cases.

B. H. EPPERSON, Chairman.

The report was adopted.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred Senate bill No. 7, entitled "An act authorizing the County Court of Tyler county to levy a special tax for certain purposes," and House bill No. 14, entitled "An act to authorize Panola county to levy and collect a special tax for the payment of the indebtedness of said county," have had the same under consideration, and have instructed me to report them back, and recommend their passage. B. H. EPPERSON, Chairman.

The report was adopted.

Senate bill No. 7, "Authorizing the County Court of Tyler county to levy a special tax for special purposes," was read second time and passed to third reading.

House bill No. 14, "To authorize the County Court of Panola county to levy and collect a special tax for the payment of the indebtedness of said county," was read third time and passed.

Report from the Committee on Public Buildings:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Buildings have had Senate resolution No. 74, asking for a committee of three on the part of the House, to take into consideration the propriety of lighting the State House with gas," under consideration, and have instructed me to report it back to the House with the recommendation that a committee of three be appointed on the part of the House to act with the Senate committee.

D. D. ROSBOROUGH, Chairman.

The report was adopted.

The Speaker appointed the following committee under the report: Rosborough chairman, Smith of Travis, and Easley.

Report from Committee on Finance:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance to whom was referred Senate bill No. 2, entitled "An act to regulate and define mileage to be paid members of the Legislature," have had the same under consideration, and direct me to report said bill back, with the recommendation that the same do pass.

W. L. MOODY, Chairman.

The report was adopted and the bill read second time.

Mr. Storey moved to amend by striking out the word "usually" and inserting in lieu thereof "nearest practicable."

Mr. Kessler moved to amend the amendment by striking out "nearest practicable" and inserting in lieu thereof "direct." Lost.

Yeas and nays being called on Mr. Storey's amendment, it was adopted by the following vote:

Yeas—Mr. Speaker, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Bruce, Cain, Delany, Denman, Donald, Douglass, Easley, Eastland, Edwards, Goodwin, German, Harris, Hart, Helton, Henderson of Kendall, Jackman, Johnson, Kemble, Kessler, Lawhon, Linn, Massey, Matthews, McLeary, Middleton, Meissner, Nicholson, Oxsheer, Patrick, Patterson, Price, Reeves, Rosborough, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Houston, Smith of Grimes, Storey, Stuart of Falls, Von Biberstein, Watts and Wortham—53.

Nays—Messrs. Abnar, Brown of Harrison, Chambliss, Cochran, DeMorse, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Harrison, Hayes, Henderson of Smith, Jenkins, Lea, Lindsey, Manning, McCuiston, Mitchell, Miller, Moody, Murphy, Pickett, Rainey, Rogers, Roberts, Stephens, Stewart of Montgomery, Swain, Triplett, Walker and Watson—33.

Mr. Wortham offered the following amendment: Strike out "eight" and insert "three."

Mr. Harrison moved to amend the amendment by striking out "three" and inserting in lieu thereof, "one."

On motion of Mr. Galvan, the amendments were laid on the table by the following vote:

Yeas—Messrs. Speaker, Abnar, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Chambliss, Cochran, Delany, Denman, Douglass, Easley, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Goodwin, Harris, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Manning, Massey, Matthews, McCuiston, Middleton, Miller, Murphy, Nicholson, Oxsheer, Patrick, Pickett, Price, Rainey, Reeves, Rogers, Roberts, Sadler, Schmidt, Scott, Stephens, Stewart of Montgomery, Triplett and Von Biberstein—58.

Nays—Messrs. Cain, DeMorse, Donald, Eastland, German, Harrison, Hayes, Jackman, Kessler, Lea, Linn, Mitchell, McLeary, Moody, Meissner, Patterson, Rosborough, Sayers, Simpson, Smith of Travis, Smith of Houston, Smith of Grimes, Storey, Stuart of Falls, Swain, Walker, Watts and Wortham—29.

Mr. Jackman offered the following amendment: Strike out "eight" and insert "five."

Mr. Schmidt moved to adjourn to 11:45 A. M. Lost.

Mr. Rainey moved to lay the amendment on the table, which carried by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Chambliss, Cochran, Delany,

Denman, Donald, Douglass, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, Middleton, Murphy, Nicholson, Oxsheer, Patrick, Pickett, Price, Rainey, Reeves, Rogers, Roberts, Sadler, Schmidt, Scott, Smith of Grimes, Stephens, Stewart of Montgomery, Swain, Triplett and Watson—61.

Nays—Messrs. Cain, DeMorse, Easley, Eastland, Goodwin, German, Harris, Hayes, Jackman, Kessler, McLeary, Miller, Moody, Meissner, Patterson, Rosborough, Sayers, Simpson, Smith of Travis, Smith of Houston, Storey, Stuart of Falls, Von Biberstein, Walker, Watts and Wortham—26.

Mr. Miller offered the following amendment: Insert eight dollars per day for each day necessarily consumed in traveling to and from the capital to the county seat.

On motion of Mr. German, the motion was laid on the table.

The bill then passed to third reading.

On motion, the rules were suspended; the bill read third time and passed.

A message from the Senate announced the adoption by that body of a concurrent resolution authorizing the consolidation of the Senate and House standing committees on the Treasurer's and Comptroller's offices, with the joint special committee raised by the Senate and House to investigate and report upon the state of the books and accounts in said offices; also, that an address to his Excellency, Governor Coke, asking the removal of Henry Maney, Judge of the Twenty-second Judicial District, from office, have been presented to that body and referred to a special committee, consisting of Senators Culberson, Ireland and Ellis, to act with a like special committee on the part of the House, and requesting the appointment of such committee on the part of the House.

Report from the Committee on Finance: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

Your Committee on Finance to whom was referred House bill No. 80, entitled "An act to authorize the assessors and collectors and sheriffs to receive State warrants in payment of the State tax to the amount of one-half of said tax," have considered the same and instructed me to report said bill back, and recommend that the same do not pass.

W. L. MOODY, Chairman.

The bill was read second time.

Mr. Smith of Grimes moved to reject the report.

On motion of Mr. Epperson, the House took a recess for eight minutes.

The House was called to order at 12 M. for

the purpose of electing, in conjunction with the Senate, a United States Senator to succeed the Hon. J. W. Flanagan.

The Senate was announced, and took the seats prepared for them.

(In joint session.)

The roll of the Senate was called; quorum present.

The roll of the House was called; quorum present.

The journal of the Senate of yesterday, so far as related to the election of United States Senator, was read.

The journal of the House of yesterday, so far as related to the election of United States Senator, was read.

It appearing from the journals that no choice for United States Senator had been made, the Speaker announced that the two Houses would now proceed in joint session to that election, and that nominations on the part of the House were in order.

Mr. Rainey put in nomination the name of Gen. S. B. Maxey, of Lamar county.

Mr. Epperson put in nomination the name of Hon. J. W. Throckmorton, of Collin county.

Mr. Ballard put in nomination the name of Hon. Ed. T. Randle, of Walker county.

Mr. Sayers announced that he was authorized to withdraw the name of Hon. John H. Reagan, and to return the thanks of that gentleman to the Senators and Representatives who had supported him for United States Senator.

The President of the Senate announced nominations on the part of that body in order.

Senator Ireland put in nomination the name of Gen. S. B. Maxey, of Lamar county.

Senator Ball put in nomination the name of Hon. J. W. Throckmorton, of Collin county.

The roll of the Senate being called, the following Senators voted for Gen. S. B. Maxey: Senators Bradshaw, Bradley, Camp, Davenport, Dillard, Erath, Hobby, Ireland, Morris, Moore, Parker, Westfall and Wood—13.

The following Senators voted for Hon. J. W. Throckmorton: Senators Allison, Ball, Baker, Culberson, Dwyer, Ellis, Friend, Russell and Trollinger—9.

Senators Flanagan and Ledbetter voted for Hon. Ed. T. Randle.

Senator Swift voted for Hon. John H. Reagan.

Senator Randle voted for Hon. Dan L. McGary.

The President of the Senate having announced the result, the roll of the House was called.

The following Representatives voted for Gen. S. B. Maxey:

Mr. Speaker, Anderson, Brown of Gregg, Bruce, Cain, Chambliss, Denman, DeMorse, Douglass, Eastland, Farrar, Gellatly, Goodwin, German, Harrison, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Lindsey, Manning, Massey, Matthews, McCuiston, Middleton, Moody, Nicholson, Oxsheer, Patrick, Patterson, Rainey, Rosborough, Sadler, Simpson, Smith of Houston, Smith of Grimes, Stephens, Storey, Stuart of Falls, Von Bibberstein, Watson, Watts and Wortham—46.

The following Representatives voted for Hon. J. W. Throckmorton: Messrs. Barziza, Bean, Brown of San Saba, Cochran, Delany, Donald, Easley, Edwards, Epperson, Foote, Harris, Hart, Henderson of Kendall, Kessler, Lawhon, Lea, Linn, McLeary, Miller, Murphy, O'Neal, Pickett, Price, Reeves, Rogers, Sayers, Schmidt, Smith of Travis, Stewart of Montgomery, Swain and Triplett—31.

The following gentlemen voted for Hon. Ed. T. Randle: Messrs. Abnar, Ballard, Beck, Brown of Harrison, Freeman, Galvan, Mitchell, Meissner, Roberts, Scott and Walker—11.

The roll having been called over again, in order to insure its correctness, the Speaker announced the following as the result of the first joint ballot:

In the Senate Mr. Maxey received 13 votes; and in the House, 46. Total, 59.

In the Senate Mr. Throckmorton received 9 votes; and in the House, 31. Total, 40.

In the Senate Mr. Randle received 2 votes; and in the House, 11. Total, 13.

In the Senate Mr. McGary received 1 vote; and in the House, none. Total, 1.

In the Senate Mr. Reagan received 1 vote; and in the House, none. Total, 1.

Total vote of the Senate was 26.

Total vote of the House was 88.

Total joint vote was 114.

Necessary to a choice, 58.

The Speaker announced that Gen. S. B. Maxey having received a majority of all the votes cast, he was duly and constitutionally elected United States Senator, to succeed Hon. J. W. Flanagan, whose term of office expires March 3, 1875.

On motion of Senator Erath, the Senate retired to its own chamber.

Mr. Bean gave notice of a motion to reconsider the vote of yesterday, which passed House bill No. 49, "to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities or towns."

On motion of Mr. Harrison, the House adjourned to 10 A. M. to-morrow.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 29, 1874. }

House met. Roll called; quorum present.
Prayer by chaplain.

The journal of yesterday was read, corrected and adopted.

On motion of Mr. Epperson, Mr. Sayers was excused on account of sickness.

Mr. Kemble moved to suspend the rules and take up the following Senate concurrent resolution:

Concurrent resolution authorizing the consolidation of the Senate and House standing committees on the Treasurer's and Comptroller's offices with the joint special committee raised by the Senate and House to investigate and report upon the state of the books and accounts in said offices.

Resolved by the Senate and House of Representatives of the State of Texas, That the standing committees of the Senate and House of Representatives on the Treasurer's and Comptroller's offices be consolidated with the special committee of the Senate and House, to investigate the state of the books and accounts in said offices, and that said three committees constitute but one committee, with all the powers and duties already devolved on the special committee aforesaid.

Carried.

The resolution was then adopted.

On motion of Mr. Foote, Messrs. Pickett and Bean were excused for the day on account of important business in committee.

Mr. Harris presented a petition of C. Jordan and others, sureties on the bond of Frank Dirks, sheriff of Galveston county. Read and referred to Judiciary Committee No. 2.

Mr. Linn presented the following concurrent address of the Senate and House of Representatives to his Excellency Richard Coke, requesting the removal of M. Priest, Judge of the Fourth Judicial District:

To his Excellency, Richard Coke, Governor:

The House of Representatives of the State of Texas, the Senate concurring therein, do address your Excellency, and state the fact that one M. Priest, who now holds the office of District Judge of the Fourth Judicial District, is unfit to hold said office. And we, the House of Representatives and Senate, do request that said Priest be removed from said office—for the following reasons, reserving the right to add additional causes for his removal:

First, Because, on the thirteenth day of May, 1871, the said Priest assuming to act at the instance of E. J. Davis, then acting Governor of the State of Texas, and in disregard of law, did, as he admits, place himself under the control and guidance of the executive branch of the

government. He being a tool, ignorant of the laws of our State, proceeded to carry out the dictates of his master, E. J. Davis (assuming that his said master's will was superior to the Constitution and laws he had sworn to support); in vacation caused a final judgment to be entered upon the minutes of the District Court of Cherokee county, without notice or hearing, removing the presiding justice of said county, to-wit, Thomas E. Hogg, Esq., from office, and declaring the said office of justice of the peace in Precinct No. 2 of said county vacant, and ordered an election to fill said vacancy. A transcript of said proceedings is now on file in the Supreme Court of Texas, case No. 478, first assignment.

Second, Because the said Priest, being led by political preference, and believing that his position gave him the right to shield and protect his political friends from the demands of justice, did assume to make innovations upon the Code of Criminal Procedure, upon the trial of R. M. Sanders, indicted for murder, and ruled that no one who had read the *Texas Observer*, a respectable newspaper published in the town of Rusk, should serve on the jury in the said case of R. M. Sanders, and, upon his own motion, excused all who had read said paper.

Third, Because the said Priest did, after the trial and conviction of said Sanders, of murder in the first degree, and after granting a new trial, he, the said Priest, being editor of the official journal, the *San Augustine Advertiser*, begotten by the iniquitous printing law of the Twelfth Legislature, did comment upon the evidence in the said case of Sanders and pervert the same, and make defense for said Sanders in said official newspaper, the cause still pending in said Priest's court.

Fourth, Because at the July term of 1873 of the District Court of Cherokee county, the said Priest refused on the final hearing of a *nisi* judgment, upon a forfeiture of a recognizance for four thousand dollars against R. M. Sanders, W. P. Britton and J. R. Montgomery, to allow the issue to be tried before a jury, but ignorantly and arbitrarily assumed to himself the right to try and dispose of the case, and disallowed an appeal from his judgment.

Fifth, Because the said Priest combining with Judge L. W. Cooper of the Third District by partial rulings, did hinder and defeat justice by causing an acquittal of R. M. Sanders after he, the said Sanders, had been twice convicted of murder in the first degree; the two judges believing that their allegiance to a political party was above their obligations under their oaths to the Constitution and laws of the State of Texas.

Sixth, Because the said Priest has will-

fully neglected and refused to perform the duties of his office in utter disregard for his oath in this: 1, Refusing to hold the . . . term of the . . . year of San Augustine court. 2, In refusing to hold the March term of 1873 of the District Court of Cherokee county. 3, In failing and refusing to hold the courts in Nacogdoches county longer than two weeks, notwithstanding the time allowed by law is three weeks, and he the said Priest has almost invariably failed to try all the causes on the docket of said court of said county.

Seventh, That said Priest has failed and refused to sign the minutes on the dockets before adjourning the terms. Because the said Priest has, on divers and sundry occasions, long after the adjournments of the terms of the courts in his district, and especially after the adjournment of the December term of 1872, of the District Court of Cherokee county, signed the minutes of said term without the same having been entered and read in court before adjournment. That said Priest, being ignorant of the laws, has, on several occasions, ordered *renvies* for colored men exclusively, and especially in the cases of Mandy Wilson, who was under trial for murder; in trying causes wherein he was interested, on the docket of the Cherokee district court, in the case of B. Renn and others v. W. P. Britton, and same against Steel and Carter.

Eighth, Because said judge is generally incompetent, and is without the confidence of the profession or the people of his district.

Resolved, That this address be entered upon the journals of both houses of this Legislature, and that said M. Priest, judge of the Fourth Judicial District of this State, who is a citizen of Cherokee county, be notified to appear on the . . . day of . . . 1874, and make his defense to the causes set out in this address.

Mr. Smith of Houston, offered the following resolution:

Resolved, That the address requesting the removal of M. Priest Judge of the Fourth Judicial District, just read, be referred to a joint special committee of five members of the House and three on the part of the Senate, the Senate concurring therein, and that said committee report the proper mode of procedure in such case.

Adopted.

Mr. Stuart of Falls, offered the following resolution:

WHEREAS, The Thirteenth Legislature passed "An act to provide for a system of common schools in and for the State of Texas," and

Whereas, Under the provisions of said bill the scholastic population of the several school districts in this State was required to be taken by the trustees appointed or elected

in said districts, and report the same to the president of the school directors in and for said counties, and they to the Superintendent of Public Instruction, and until such reports had been made under the provisions of the law above alluded to, no distribution could be had of the common school fund, nor was any provision made by which teachers who had or should organize a free school under the provisions of this law could receive any compensation until a full and complete compliance with this law had been made by act of said school districts; therefore, be it

Resolved, That the Committee on Education be instructed to report to this House a bill providing relief for those districts and school teachers who have complied with the requirements of said law, at their earliest convenience, and any change that in their opinion would be more efficient to get a full return of the scholastic population of this State.

Adopted.

Mr. Rainey presented the following address:

To his Excellency, Richard Coke, Governor of the State of Texas:

The House of Representatives of the State of Texas, the Senate concurring therein, do hereby address your Excellency, and would represent that one L. W. Cooper, Judge of the Third Judicial District, composed of the counties of Houston, Angelina and Trinity, is unfit to hold the office of Judge of the District Court, for the following reasons, to-wit:

First, He is unqualified for the position of district judge, because of the fact that he is possessed of no adequate amount of legal learning, and is, therefore incompetent.

Second, By reason of his incompetency he has failed to discharge the duties of his office, resulting, in the county of Houston, in the obstruction of public justice, by the unnecessary accumulation of business, and the virtual denial of justice to parties seeking redress in the judicial tribunals of that county.

Third, The said judge has been guilty of gross partiality to his political friends and associates in the discharge of his official duties, as evidenced by his rulings and official conduct in the case of *The State of Texas v. . . . Gireaux*, the same now pending on appeal in the Supreme Court at this place, wherein, after a gross perversion of the law, in his charge to the jury in the interest of the said party defendant, he did fix the appeal bond at one hundred dollars, when the jury had rendered a verdict against the defendant for two hundred dollars, he being charged with an aggravated assault and battery, or false imprisonment, for having as a policeman placed irons and hand-

cuffs on a citizen of Houston county, on the plea that he had not obeyed E. J. Davis's high handed usurpation, known as his "Election order," in 1871, when said citizen had violated no law of the land. And further, the said judge then accepted as bondsmen Wm. Hood and as the sureties, without requiring an oath of them as the law provides, and refusing to allow the attorneys representing the State to have their solvency tested, when it was then asserted, and a notorious fact, that said sureties were wholly insolvent; and for other acts and rulings in said cause, evincing a disposition to favor the defendant at the expense of public justice. Also, for many other acts of similar character in numerous cases, where the said judge has manifested his partiality for his political friends of the Radical persuasion, which this House will reserve the right hereafter to specify.

Fourth, For attempting to use and in using his official influence as judge aforesaid in persuading parties prosecuting and others concerned, and in various ways attempting to defeat the operation of the law, by hearing and attempting to secure the dismissal of cases where parties were charged with grave offenses against the law. As evidenced in his conduct in certain causes pending in the District Court of Angelina, styled the State of Texas v. Wm. Bonner *et al*, wherein defendants were charged with murder, and thereafter for wrongful conduct and erroneous rulings and charge to the jury in said cause, whereby he sought to secure the acquittal of said parties, and did thereby secure the acquittal of the defendants at the expense of public justice and to the scandal of the judicial authority; and for many other similar acts throughout his district in the interest of his political and personal friends, which this House will reserve the right to hereafter specify.

Fifth, For his gross and unbearable partiality for his son-in-law, H. W. Moore, a practicing attorney in his court, whereby his whole judicial authority and influence are and have been exerted in the interest of the said Moore, both in civil and criminal cases, to the prejudice of other attorneys of the said court, resulting in great injustice to parties litigant, and bringing judicial authority into disgrace, as evidenced by his nearly every official act where the said Moore was concerned, and as evinced by his rulings and charge in cause of E. M. Collins vs. Thomas F. Cook, now pending on appeal in Supreme Court at this place, to which reference is made. And for many other similar acts, which this House reserves the right hereafter to specify.

Sixth, For presiding in the cause of The State of Texas vs. W. D. Taylor, pending

in Houston county, wherein defendant is charged with murder, and making rulings therein in the interest of the said Taylor, when the said judge had previously been engaged as the attorney of the said Taylor, (and his said son-in-law was then one of the attorneys for the said Taylor,) all in contempt of the law, and in utter disregard of his official oath.

Seventh, For compounding felony in the case of The State v. Abe Smith, pending in Houston county, wherein the defendant was charged with theft; whereby the said judge did receive the sum of one hundred dollars as an inducement for and in consideration of his thereafter having the said Smith discharged, or some such similar service, whereby the said Smith was promised that he should not be further troubled in said cause; and that the said judge thereafter failed and refused to discharge his duty in said cause, and has failed to have said Smith brought to trial and has refused, on application of the attorney representing the State, to allow a forfeiture taken on said Smith's bond, though the said Smith had repeatedly and uniformly failed and refused to attend the said court, as required by his said bond, and for many other derelictions of duty and corruptions in office, which this House reserves the right hereafter to specify.

Mr. Denman offered the following resolution:

Resolved, That the address just read, requesting the removal of Judge L. W. Cooper, be referred to a joint special committee of five members of the House and three on the part of the Senate, the Senate concurring therein, and that said committee report the proper mode of procedure in such case.

Adopted.

Mr. Galvan introduced a bill to regulate in part the settlement of accounts at the State Treasury. Read first time and referred to the Committee on Finance.

Mr. Simpson introduced a bill creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof. Read first time and referred to Judiciary Committee No. 2.

The unfinished business of yesterday being the report of the Committee on Finance upon House bill No. 80, "An act to authorize the assessors and collectors and sheriffs to receive State warrants in payment of the State tax to the amount of one half of said tax," was taken up pending the motion of Mr. Smith of Grimes to reject the report.

Mr. Smith of Grimes withdrew his motion, and on his motion the bill was re-committed to the Committee on Finance.

Report from Committee on Education:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Education, to whom

was referred the substitute for House bill No. 6, which refers to the payment of public school teachers, report the same back and recommend that the bill be printed for the use of the members and their consideration. They also report back joint resolution No. 6, which refers to the refunding of the one per cent. school tax, and recommend the adoption of the committee resolution concerning said joint resolution. They report back, also, House bills Nos. 31, 44 and 25, which refer to the prohibition of the sale of liquors near certain localities, and the petitions accompanying the same, and recommend that they be referred to the consideration of Judiciary Committee No. 1. They also report back the petition of citizens of Limestone county concerning county school lands in said county, and recommend that it be referred to Judiciary Committee No. 2. Respectfully,

RAINEY, Chairman.

The substitute for House bill No. 6, being "A bill to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, 1873, and to provide for the payment of the same, and regulating verification and disbursement," was adopted, and one hundred copies ordered printed.

House joint resolution No. 6, "requiring sheriffs and treasurers, in certain cases, to refund moneys unlawfully collected," was read, and the following substitute, simple resolution by the committee, adopted in lieu thereof:

Resolved, That the Finance Committee be instructed to ascertain the amounts of the one per cent. school house tax appropriated to the payment of school teachers and other purposes other than the building of school houses, and to prepare and report a bill making an appropriation to repay these amounts to the several counties to be used by them for the purposes originally intended.

House bill No. 25, "To prohibit the selling, bartering, giving away or in any other manner disposing of alcoholic, spirituous or any other intoxicating liquors within certain limits of Maysfield Academy;" House bill No. 44, "To prohibit the sale of any spirituous, vinous or other intoxicating liquors within certain prescribed bounds;" and House bill No. 31, "To prohibit the selling, bartering, giving away or in any other manner disposing of alcoholic, spirituous or any other intoxicating liquors within certain limits" were referred to Judiciary Committee No. 1, in compliance with the report.

Report from the Committee on Enrolled Bills.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have

carefully examined House bill No. 3, entitled "An act appropriating the sum of twenty thousand dollars, or so much thereof as may be necessary to defray the contingent expenses of the Fourteenth Legislature;" also, House bill No. 47, entitled "An act to amend 'An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof,'" approved April 15, 1873, and presented the same to the Governor for his approval on the twenty-seventh inst., at 11:30 o'clock A. M.

E. D. LINN, Chairman.

Reports from the Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 55, to suspend the powers of an act entitled "An act to levy a special tax in the county of Angelina," passed May 25, 1873, have had the same under consideration, and recommend that it do pass.

BROWN of Gregg, Chairman.

The report was adopted, bill read second time and ordered engrossed.

On motion of Mr. Denman, the rules were suspended, bill read third time and passed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 79, "To extend the area of Gregg county, have had the same under consideration, and the committee unanimously recommend that the bill do pass.

BROWN of Gregg, Chairman.

The report was adopted, bill read second time and ordered engrossed.

Report from Committee on Federal Relations:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Federal Relations, to whom was referred Senate joint resolution No. 12, "returning thanks to the President for upholding the right of local self-government in Texas," have had the same under consideration, and I am instructed by a majority of the committee to return the same to the House and recommend the passage of the resolution, with the following amendment: Strike out after the word "and" where it first occurs in the eleventh line of section one, to the word "the," in the twelfth line in the same section, and substitute the words, "is duly appreciated by."

All of which is respectfully submitted.

G. R. REEVES, Chairman.

The amendment was adopted.

The resolution thus amended was then adopted.

Mr. Storey introduced a bill to authorize the funding of the debt of Caldwell county, and to provide for the payment of the same. Read first time and referred to Judiciary Committee No. 2.

Mr. Lawhon introduced a bill for the relief of Peter Rouche. Read first time and referred to the Committee on Private Land Claims.

Mr. Barziza offered the following concurrent resolution:

WHEREAS, The citizens of Austin contemplate tendering to Governor Coke and Lieutenant Governor Hubbard a complimentary inaugural ball on Thursday, the fifth of February; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Committee of Arrangements, under the direction of the sergeants-at-arms of both Houses, are hereby granted the privilege of using for such purpose the Capitol building, its offices, rooms, halls, etc., and that said committee shall see that said building, offices, rooms, halls, etc., shall be thoroughly cleaned and put in order by the morning of the seventh of February.

Adopted.

Report from Committee on Engrossed Bills: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

Your committee on Engrossed Bills, have carefully examined House bill No. 60, "An act to authorize the County Court of Rockwall county to collect a tax to build a jail," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Barziza introduced a bill to incorporate the Texas Detective Agency. Read first time and referred to Judiciary Committee No. 2.

Mr. Barziza introduced a bill to authorize the use of photographic copies of written instruments in taking depositions of witnesses in certain cases. Read first time and referred to Judiciary Committee No. 2.

Mr. Smith of Travis, introduced a bill to repeal section one of "An act to provide for the appointment of notaries public," approved November, 1837, and section one of "An act entitled 'An act supplemental to an act entitled an act defining the office and duties of notaries public,'" passed May 13, 1846, and to "amend the first section of said act," approved March 5, 1868. Read first time and referred to Judiciary Committee No. 2.

Mr. Goodwin introduced a bill to authorize the Governor to appoint *pro tem.* judges of the Supreme and district courts to fill vacancies occasioned by the suspension of any judge during impeachment or resolutions to remove by address. Read first time and referred to Judiciary Committee No. 2.

Mr. DeMorse introduced a bill to amend sections one, two and three of "An act

entitled 'An act to amend an act to authorize the transcript of the records of Bowie county,'" approved April 3, 1873. Read first time and referred to Judiciary Committee No. 2.

Mr. Edwards introduced a bill to amend "An act entitled 'An act prescribing the times of holding the District Courts in Kaufman and Rockwall counties in the Tenth Judicial District,'" approved May 27, 1873. Read first time and referred to Judiciary Committee No. 2.

On motion of Mr. Simpson, Mr. Lea was added to Judiciary Committee No. 2.

Mr. Hayes introduced a bill to repeal "An act to locate the county seat of Trinity county," approved May 30, 1873. Read first time and referred to Committee on Counties and County Boundaries.

Mr. Farrar introduced a bill "to provide for supplying the records of Limestone county, destroyed by fire." Read first time and referred to Judiciary Committee No. 1.

Mr. Lea introduced a bill "for the relief of Walker and San Jacinto counties." Read first time and referred to Committee on Finance.

Mr. Triplett offered the following resolution:

WHEREAS, The carrying service of the United States mail in the State of Texas is in such a deplorable condition that it often takes months for letters to be transmitted from one to another of the most populous counties, and that this results mainly from the failures of contractors to furnish the necessary transportation, and otherwise to do the duties required of them under their contracts; therefore, be it

Resolved by the Legislature of the State of Texas, That the Committee on Federal Relations be required to inquire into said facts and suggest the course to be pursued to induce the postoffice department at Washington to establish a more prompt and efficient service in the carrying of the United States mail within the State of Texas.

Adopted.

Mr. Rainey offered the following resolution:

Resolved, That the chief clerk of the House of Representatives is hereby instructed to issue to Hon. Sam. Y. Smith of Walker county, a certificate by which he will be enabled to draw his mileage and *per diem* up to the decision of the contest.

Adopted.

Mr. Von Biberstein introduced the following bills: For the relief of George W. Grimes; read and referred to the Committee on Private Land Claims. For the relief of the heirs of Mills D. Andross; read and referred to the Committee on Private Land Claims. For the relief of Bernard Reilly; read and referred to the Committee on Private Land Claims.

The Senate concurrent resolution relative to the removal—by address to his Excellency Richard Coke—of Henry Maney, Judge of the Twenty-second Judicial District, and asking a committee on the part of the House to co-operate with the Senate committee, was taken up on motion of Mr. Lawhon and adopted.

The Speaker appointed the following committee under the resolution: Messrs. Henderson of Kendall, Smith of Houston, Moody, Lawhon and O'Neal.

Senate bill No. 13, "To amend 'An act prescribing the times of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870, was read and referred to Judiciary Committee No. 1.

The motion of Mr. Bean to reconsider the vote passing House bill No. 41, "To allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns," was taken up and being put, carried.

On motion of Mr. Hayes, the bill was referred to the Committee on Towns and City Corporations.

Senate bill No. 7, "Authorizing the County Court of Tyler county to levy a special tax for certain purposes," was read third time and passed.

A message from the Senate announced that that body concurred in the House amendments to Senate bill No. 21½, to regulate and define mileage to be paid members of the Legislature.

House bill No. 58, validating the authentications and registration of certain instruments of writing was taken up. Read third time and passed.

On motion of Mr. Roberts, Mr. Abnar was granted leave of absence for ten days on account of important business.

Mr. Easley introduced a bill to incorporate the Texas University. Read and referred to the Committee on Education.

On motion of Mr. Moody, Mr. Smith of Grimes, was added to the Committee on Finance.

On motion of Mr. Foote, the House adjourned to 10 A. M., to-morrow.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, January 30, 1874. }

House met. Roll called, quorum present. Prayer by the chaplain.

The journal of yesterday was read and adopted.

On motion of Mr. Rosborough, Mr. Stuart of Falls, was excused until Thursday next, on account of important business.

Reports from Judiciary Committee No. 1: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

The Judiciary Committee No. 1, to which was referred House bill No. 39, to be entitled "An act to regulate challenges to jurors, in civil and criminal cases," have duly considered the same, and recommend that it be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred House bill No. 67, to amend the first section of the "Act supplemental, etc., to 'An act to provide for prompt settlements by sheriffs with the State and counties,'" have duly considered said bill and recommend that it be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred House bill No. 64, "To amend an act to be entitled 'An act to establish a Code of Criminal Procedure,'" have considered said bill, and have instructed me to recommend that it be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted.

Reports from Committee on Finance:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 57, entitled "An act to authorize the County Court of Aransas county to levy a special tax for the purpose of building a jail," have considered the same, and instruct me to report said bill back and recommend its passage.

W. L. MOODY, Chairman.

(Mr. Harrison in the chair.)

The report was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Linn, the rules were suspended, the bill read third time by caption and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred "An act to postpone the collection of taxes of Grimes county until January, 1875," and "An act to relieve the people of Montgomery county from the payment of State taxes due for the year 1873, until the first day of January, 1875," being House bills Nos. 21 and 23, have had the same under consideration, and have instructed me to report said bills back and recommend that the same do not pass.

W. L. MOODY, Chairman.

Mr. Stewart, of Montgomery, submitted the following minority report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The undersigned, from the Committee on Finance, asks leave to express his dissent from the report made by its chairman, Hon. W. L. Moody, adverse to the petition of the citizens of Montgomery county, who—from their necessitous condition, arising from the destruction of their crops of corn as well as cotton—ask not a donation of their taxes for the year 1873, but merely an extension of time for the payment of the same until they can realize from the coming crop the means for paying them.

The grounds taken by the committee in refusing the relief prayed for, are: First, That if relief be afforded to Montgomery county, other counties would come claiming like exemption. Second, That provisions of this nature may now be inhibited by the operation of the lately adopted amendments to the Constitution.

The first objection offered by the committee does not seem to admit the exercise by the Legislature of a just and feeling discrimination between an extremely necessitous case now urgently needing relief, and claims for like extension for the payment of their taxes, by counties whose condition do not require it, but to whom it might otherwise prove convenient.

Was the principle involved in this proposition to be made by the Legislature one of general application, much that is due to the interests of the country and much that would be serviceable to humanity, would be left undone, lest imposition might be practised, or because the desired results might not be attained.

It is fair to believe that other counties, with the exception of Grimes county, do not need relief, or application would have been made for it to the Legislature, and thence the possibility of such claim being made, if relief be granted in this instance, should be no ground for denial of relief, where it is so much needed. The Legislature would certainly retain its right to determine the merits or necessities of such other claims as might be presented for its consideration. Relief of this character is not without appropriate precedent. It was granted in 187— to Orange county, when that county was devastated by storms—an instance to which that of Montgomery county is closely parallel, the crops of the latter county having been destroyed by excessive and continuous rains during the entire crop season.

From an examination of the lately adopted "amendments," it does not appear that its restraints will apply in this case. No general law is needed, or applicable, where but one or two counties need relief, and the nature of the relief sought is not,

and cannot be, embraced within the specified inhibitions of the "amendments."

Provisions may be made requiring such persons as may need relief to make due proof by affidavit, sustained by the evidence and affidavits of two or more disinterested persons, before they may be allowed to enjoy the benefit of an extension of time for the payment of their taxes, with appropriate penalties for making false statements, to be duly inquired of by the grand juries of the county, under the proper charge of the judge of the district court.

Such precautionary provisions against imposition will effectually prevent and restrain all persons, whose necessities cannot be fully verified by credible and disinterested witnesses, from taking improper advantages of such measures of relief as may be afforded by the Legislature in behalf of those persons actually needing it.

The Legislature is respectfully asked to take tender consideration of the unfortunate condition of a large number of the citizens of Montgomery county, whose personal property of every kind—horses, mules, wagons, oxen, plows and *implements of husbandry*, now actually necessary to them wherewith to make this year's crops—will be taken and sold under the stringent, now oppressing, provisions of the tax laws unless relief be granted to them.

From the sales of personal property little revenue will accrue to the State. For very sympathy and like inability on the part of the community there will be no purchasers of the property sold for taxes. The property sold will thence be bought in for account of the State, and it is easy to see what will become of it in the hands of the officer, subject as it will be to the expense of keeping, waste or *misappropriation*, while without benefit to the State the unfortunate farmer will be deprived of the means of making a support for his destitute and helpless family.

The undersigned respectfully asks for his constituents that their petition and the report of the majority of the Finance Committee be recommitted to a special committee—on which he asks to be excused from serving—to be appointed by the Speaker, to take further consideration of the premises.

C. B. STEWART, for Committee.

Pending discussion, a message from the Senate announced the passage by that body of Senate joint resolution No. 43, making an appropriation to repair and refurnish the Executive Mansion.

Resuming the discussion, on motion of Mr. Brown, of San Saba, the bills were both referred to Judiciary Committee No. 2.

Reports from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 79, "An act to extend the area and enlarge the county of Gregg," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed bills have carefully examined House bill No. 55, "An act to suspend the powers of an act entitled 'An act to levy a special tax in the county of Angelina,'" passed May 23, 1873, and find the same correctly engrossed.

L. J. STOREY, Chairman.

Reports from Committee on Public Lands and Land Office:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office beg leave to report that they have considered House bill No. 51, entitled "An act to authorize parties in certain cases to sue in the district courts for head-right certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants," and a majority of the committee have directed me to report the same back and recommend its passage; and the committee also recommend that one hundred copies of the same be printed for the use of the House.

BARZIZA, Chairman.

The report was adopted and order for printing made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Public Lands and Land Office report that, in reply to a communication addressed to the Commissioner as to when he could furnish this committee with a detailed statement of the condition of his office in all its departments, the Commissioner forwarded the letter hereto attached, and the committee think that the time asked by the Commissioner is entirely reasonable.

BARZIZA, Chairman.

GENERAL LAND OFFICE, }

AUSTIN, TEXAS, January 28, 1874. }

Hon. D. U. Barziza, Chairman of Committee on Land Office, House of Representatives:

SIR—Your favor of the twenty-seventh instant has been received. As chairman of the Committee on Public Lands and Land Office you desire to be informed about what time I can furnish the committee with a full and detailed statement of the present condition of this office in its various departments.

In reply I have the honor to state, that in order to furnish you a full statement it will take at least two weeks from now.

I am still busy in overhauling my depart-

ment. As soon as this is finished, and the office in condition to transact regular business, I shall at once proceed to prepare a report as you require.

Very respectfully,

J. J. GROOS, Commissioner.

The report was adopted.

Report from Committee on Roads, Bridges and Ferries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Roads, Bridges and Ferries, to whom was referred the petition of citizens of Washington county, requesting the Fourteenth Legislature to repeal the present road law, and that the road law of 1858, article one thousand seven hundred and sixty-six be re-enacted, have had the same under advisement, and instruct me to report that said law cannot be passed on account of the Constitution, article twelve, section forty-four, which prohibits the Legislature from passing any law requiring the personal service of any portion of the people on public roads; therefore we recommend that said petition be referred to the Committee on Constitutional Amendments for their consideration.

DENMAN, Chairman.

The report was adopted.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 69, "An act to authorize J. A. Cunningham and L. Thompson to construct and keep a toll bridge and ferryboat across the Colorado river," have had the same under consideration, and have instructed me to report it back to the House and recommend that it do not pass, because the general corporation act of December 2, 1871, provides a mode for the organization of such corporation without special legislation.

DENMAN, for Committee.

The report was adopted.

Report from Committee on Agriculture and Stockraising:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to whom was referred House bill No. 22, entitled "An act to protect the wool-growing interests of Texas," after due consideration return the same and respectfully recommend that it do not pass, but offer, as a substitute therefor, the accompanying amendment to "An act entitled 'An act to protect the wool-growing interest of Texas,'" approved December 28, 1861.

Respectfully submitted,

W. G. MILLER, Chairman.

The substitute offered by the committee being a bill to amend section two of an act entitled "An act to protect the wool-growing interest of Texas," approved December 28, 1861, was read.

On motion of Mr. McLeary, the bill and substitute were re-committed to the Committee on Agriculture and Stockraising.

On motion of Mr. Foote, the petition of the citizens of McKinney, Collin county, was allowed to be withdrawn from the Committee on Towns and City Corporations for amendment.

Mr. Stuart of Falls, introduced a bill to regulate proceedings on statutory bonds. Read and referred to Judiciary Committee No. 2.

Mr. Sayers introduced a bill to regulate fees of office. Read and referred to Judiciary Committee No. 1.

Mr. Storey introduced a bill to amend article-seven hundred and fifty-seven of "An act to adopt and establish a Penal Code for the State of Texas," approved August 26, 1856. Read and referred to Judiciary Committee No. 2.

Mr. Kemble introduced a bill regulating the registration of all State warrants and all county scrip received by tax collectors in payment of State or county taxes. Read and referred to Judiciary Committee No. 1.

Mr. Eastland introduced a bill to authorize the several county courts in this State to offer a premium for wolf scalps. Read and referred to the Committee on Agriculture and Stockraising.

Mr. Rosborough introduced a bill to provide for and define the mode of conveying the administration of estates of deceased persons from one county to another. Read and referred to Judiciary Committee No. 2.

Mr. Goodwin introduced a bill making an appropriation to defray the traveling and other contingent expenses of the Adjutant General in collecting the State arms. Read and referred to the Committee on Military Affairs.

Mr. Goodwin offered the following resolution:

Resolved, That a committee of five members of the House of Representatives be appointed to examine the books, papers, vouchers and accounts of the commissioners and architect of the Agricultural and Mechanical College of Texas, and report the condition of the same, and what amounts of money have been drawn from the State Treasury for said college, and how the same has been disbursed.

Adopted.

A message from the Senate announced the passage by that body of Senate bill No. 51, "to regulate the holding of the District Court of Freestone county at its April term," and Senate bill No. 49, "to regulate the testimony of witnesses in cases of bribery;" House bill No. 5, making an "appropriation for mileage and *per diem* pay of members and the *per diem* pay of officers and employees of the Fourteenth Legislature," and Senate bill No. 32, "to amend article 773b

of 'An act to establish a Criminal Code for the State of Texas.'

Mr. Von Biberstein introduced a bill to amend article 761 of 'An act entitled 'An act to adopt and establish a Penal Code for the State of Texas,' approved August 26, 1856. Read and referred to the Committee on Agriculture and Stockraising.

Mr. Chambliss introduced a bill "to authorize and empower the County Court of Navarro county to levy and collect a special tax to build a jail." Read first time.

On motion of Mr. Smith of Grimes, the rules were suspended, the bill read second time and ordered engrossed.

On motion of Mr. Rosborough, the rules were further suspended and the bill read third time.

Mr. Brown of San Saba, moved to re-commit the bill to Judiciary Committee No. 1.

Mr. Chambliss moved to lay that motion on the table. Lost.

The motion to re-commit then carried.

(Mr. Speaker in the chair.)

Mr. Barziza offered the following resolution:

WHEREAS, The remains of General Sam Houston now repose in the town of Huntsville, in Walker county, and no monument nor stone has been raised to mark the last resting place of that hero and patriot; but, on the other hand, his grave is neglected, and will soon become undistinguishable; and,

Whereas, It is the duty, and should be the pride, of the people of Texas, to commemorate, by proper monuments, the deeds and achievements of their deceased heroes, and to keep fresh their memory in the minds of the people; therefore, be it

Resolved, That the committee which has been appointed to proceed to Huntsville to inspect the Penitentiary, be requested, while there, to visit and examine the grave of General Houston, and to report its condition, so that the Legislature may take the proper steps concerning it.

Adopted.

Mr. Denman offered the following resolution:

Resolved, That this House proceed to the election of an assistant sergeant-at-arms.

Mr. Moody moved to refer the resolution to a special committee of three. Lost.

Mr. Henderson of Smith offered the following substitute:

Resolved, That the doorkeeper be required to perform the duties of assistant sergeant-at-arms, and the assistant doorkeeper be required to perform the duties of doorkeeper.

On motion of Mr. Denman the substitute was laid on the table.

The resolution was then adopted.

Mr. Sayers nominated Edward T. Rhodes.

Mr. Smith of Travis nominated John T. Kirk.

Mr. Farrar nominated John W. Love.

Mr. Walker nominated D. S. Killough.

Mr. Murphy nominated J. S. Ford.

Mr. Rogers nominated W. N. Hardeman.

The Speaker appointed Messrs. Sayers, Denman and DeMorse tellers.

The first ballot resulted as follows : E. T. Rhodes received 28 votes ; J. T. Kirk, 10 ; W. N. Hardeman, 14 ; John S. Ford, 6 ; J. W. Love, 12 ; D. S. Killough, 11.

The Speaker declared there had been no election.

Mr. Johnson moved that after each succeeding ballot the candidate having the smallest vote should be dropped. Carried.

The second ballot resulted thus : E. T. Rhodes received 32 votes : J. T. Kirk, 7 ; W. N. Hardeman, 16 ; John S. Ford, 2 ; J. W. Love, 15 ; D. S. Killough, 9.

No choice having been made, a third ballot was taken, and resulted thus : E. T. Rhodes received 46 votes ; J. T. Kirk, 3 ; W. N. Hardeman, 12 ; John W. Love, 13 ; D. S. Killough, 5.

Mr. Rhodes having received a majority of the votes cast, was declared duly elected assistant sergeant-at-arms.

The Speaker announced the following committee on the addresses for the removal of M. Priest, Judge of the Fourth Judicial District, and L. W. Cooper, Judge of the Third Judicial District : Linn chairman, Smith of Grimes, Kemble, Denman and Rainey.

Mr. Rainey offered the following amendment to the address for the removal of L. W. Cooper, Judge of the Third Judicial District: The charge against Gireaux was false imprisonment. (Please strike out of the address the words "aggravated assault and battery.") W. D. Hood and James Thornton were the securities on recognizance for \$100 to appeal in the case against Gireaux. (Please fill blank.)

The amendment was referred to the special committee on the address.

Mr. Gellatly presented the following address and resolution.

To His Excellency Richard Coke, Governor of the State of Texas:

The House of Representatives of the State of Texas, the Senate concurring therein, do hereby address your Excellency, and would represent that one Martin W. Wheeler, Judge of the Fifth Judicial District, composed of the counties of Panola, Shelby and Sabine, in the State of Texas, is unfit to hold the office of Judge of the District Court for the following reasons, to-wit:

First, He is unqualified to hold the position of district judge, because he is not possessed of sufficient legal knowledge to discharge the duties of the office and maintain the dignity of the State.

Second, That by reason of real or pretended bodily infirmities the said M. W.

Wheeler has failed to hold the regular terms of the district court in any of the counties in his district for the whole of the year A. D. 1873, with the exception of the June term, at Carthage, in Panola county.

Third, That the said M. W. Wheeler has no reason to believe that he will recover his health, so as to be able to discharge the duties of the office of district judge for the future period of his term of office in any better manner than he has done heretofore.

Fourth, That the said Wheeler, with full knowledge of the fact that he would not be in attendance at the times and places prescribed by law for holding the terms of the District Courts in the several counties of his district, has invariably represented to those interested that he would at all events hold a term of said court, thereby entailing heavy and unnecessary expense upon the several counties and upon parties litigant in his district.

Fifth, That the interest of the citizens of the Fifth Judicial District demands that a more able and efficient judge be placed upon the bench; that the peace of the State demands it; that the protection of life and property in said district demands the removal of said Wheeler.

Resolved, That the address just read requesting the removal of Judge Martin W. Wheeler be referred to the joint special committee of five members of the House and three on the part of the Senate, to which was referred addresses to remove Judges Priest and Cooper, the Senate concurring therein, and that said committee report the proper mode of procedure in such case.

Adopted.

Mr. Ed T. Rhodes was sworn in as assistant sergeant-at-arms.

On motion of Mr. Lea, the House adjourned to 10 A. M. Monday.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 2, 1874. }

House met. Roll called; quorum present. Prayer by chaplain.

On motion of Mr. Kessler, Mr. Meissner was granted leave of absence until Thursday.

On motion of Mr. Rainey, Mr. Linn was excused for the day on account of sickness.

On motion of Mr. Miller, Mr. Price was excused for the day.

On motion of Mr. Watson, Mr. Jenkins was excused for one day.

On motion of Mr. Nicholson, Mr. Von Biberstein was excused for one day.

On motion of Mr. Mitchell, Mr. Freeman was excused for one day.

A message from the Senate announced

the adoption by that body of the House concurrent resolution granting the use of the Capitol for the inaugural ball, and the passage of the following bills: Senate bill No. 53, "To amend article five hundred and eighty-seven of the Code of Criminal Procedure." Senate bill No. 33, "To authorize a change of venue in civil cases." Senate bill No. 27½, "To amend article two thousand nine hundred and ninety-four of the Code of Criminal Procedure." Senate bill No. 64, "An act to repeal an act entitled 'An act to regulate the sale of lands under decrees of courts,' approved August 13, 1870, and an act entitled 'An act to repeal the third section and amend the second section of an act entitled 'An act to regulate the sale of lands under the decrees of courts,' approved August 13, 1870, passed May 8, 1871.

The journal of Friday was read and adopted.

On motion of Mr. Simpson, Mr. Lea was added to Judiciary Committee No. 2.

Mr. Murphy stated by way of personal explanation, that on Friday last he had without the authority of Col. John S. Ford, placed that gentleman in nomination for the position of assistant sergeant-at-arms. He had since learned that Col. Ford had no wish to occupy said position, and Mr. Murphy consequently asked that this statement be placed on the journal.

Report from Committee on Enrolled Bills
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined House bill No. 5, entitled "An act making an appropriation for mileage and *per diem* pay of the members and the *per diem* pay of officers and employees of the Fourteenth Legislature," and find the same correctly enrolled and properly signed, and have presented the same to the Governor for his approval this day at 10:20 o'clock A. M.

FRANK RAINEY, for Committee.

Mr. McLeary presented a petition of citizens of Atascosa county. Read and referred to Judiciary Committee No. 1.

Mr. Foote presented a petition from citizens of Collin county relative to the amendment of a certain bill relative to that county. Read and referred to the Committee on Towns and City Corporations.

Mr. Denman presented a petition from citizens of Trinity county, asking relief. Read and referred to the Committee on Counties and County Boundaries.

Mr. Triplett presented a memorial for relief from the County Court of Polk county. Read and referred to Judiciary Committee No. 2.

Mr. Jackman presented a petition from citizens of Guadalupe county, asking to be transferred to Wilson county. Read and

referred to the Committee on Counties and County Boundaries.

Mr. Triplett presented a petition from the County Court of Polk county, asking an extension of State accommodation for lunatics. Read and referred to the Committee on Asylums.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 57, "An act to authorize the County Court of Arkansas county to levy a special tax to build a jail," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Report from Judiciary Committee No. 1.
Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred House bill No. 10, to be entitled "An act to authorize the appointment of an attorney-at-law in certain cases, to act as district attorney," have considered the same and respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Mr. Storey moved to suspend the rules and put the bill on its third reading. Lost.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred the petition of the fifty-two citizens of Montague county, who are settlers on lands known as the "Limestone county school lands," situated in said county of Montague, have had the same under consideration, and are unanimously of the opinion that the Legislature has not the right to grant the relief asked for in said petition, or any part thereof.

JOHN W. HARRIS, Chairman.

The report was adopted.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred House bill No. 33, to be entitled "An act to provide for the salaries and fees of district attorneys," have duly considered the same, and respectfully recommend that it do not pass.

JOHN W. HARRIS, Chairman.

The report was adopted.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred the Senate bill, to be entitled "An act to amend 'An act prescribing the times of holding the districts courts in the several judicial districts in the State,' have had the same under consideration, and have

proposed certain amendments thereto, which are herewith submitted, and respectfully recommend the passage of said bill with said amendments.

J. W. HARRIS, Chairman.

The report was adopted.

Amendments by the committee: In the fourteenth line, after the word "session," strike out "two" and insert "three." In fifteenth line, after the word "the," strike out "second" and insert "third." In eighteenth line, after the word "the," strike out "fourth" and insert "first." In nineteenth line strike out "March, July and November," and insert "April, August and December." In twentieth line, after the word "session," strike out "two" and insert "one."

The bill was read second time and ordered engrossed.

On motion of Mr. Reeves, the rules were suspended, the bill read third time and passed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee, to which was referred House bill No. 81, have duly considered the same and respectfully recommend that said bill be not passed.

JOHN W. HARRIS, Chairman.

The House refused to adopt the report and the bill, being "A bill making it a case of felony wherein a party has borrowed or hired any animal or vehicle, and disposed of the same by sale, gift or otherwise without the consent of the owner," was read second time. The House refused to order its engrossment.

Report from Judiciary Committee No. 2.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred a resolution of the House instructing said committee to report a bill prescribing the times and places for holding the Supreme Court, as contemplated by the Constitution as amended, have had the same under consideration, and have instructed me to report the accompanying bill, and to recommend its passage.

Your committee find that there are now about three hundred and fifty causes on the docket at Austin, waiting trial. Your committee think it important that the court as organized under the recent amendment to the Constitution, should be put in operation, and be authorized to proceed at once to dispose of the business of said court.

Your committee contemplate reporting at an early day another bill fixing the other times and places at which said court should be held as contemplated by the Constitution as now amended, but as it may take some time to prepare a satisfactory bill for

such purpose, they have deemed it best to report the accompanying bill, which, if passed, will be all that is necessary to put the said court in operation, and to dispose of the causes pending in the same.

All of which is respectfully submitted.

B. H. EPPERSON, Chairman.

The bill, being a bill to give effect to the Constitution of the State as amended, so far as it relates to the Supreme Court, was read first time.

Mr. Moody moved to recommit the bill to Judiciary Committee No. 2.

Mr. Smith of Grimes, moved to lay the motion on the table, which carried by the following vote:

Yeas—Messrs. Barziza, Brown of San Saba, Cain, Chambliss, Cochran, DeMorse, Easley, Edwards, Epperson, Farrar, Foote, Galvan, Goodwin, Harrison, Helton, Henderson of Kendall, Jackman, Kemble, Kessler, Lawhon, Lindsey, Mitchell, McLeary, Middleton, Murphy, Oxsheer, Patrick, Patterson, Pickett, Rainey, Reeves, Rogers, Rosborough, Sadler, Sayers, Schmidt, Smith of Travis, Smith of Houston, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Swain, Triplett, Watson, Watts and Wortham—47.

Nays—Mr. Speaker, Anderson, Ballard, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Denman, Donald, Douglass, Eastland, Gellatly, German, Harris, Hart, Hayes, Henderson of Smith, Johnson, Lea, Manning, Massey, Matthews, McCuiston, Miller, Moody, Nicholson, Roberts, Scott, Simpson and Walker—31.

The report of the committee was then adopted. The bill was read second time.

Mr. Harris offered the following amendment: Amend section one by striking out "until the first day of October, 1874," and inserting "until otherwise provided by law." Adopted.

The bill was then ordered engrossed.

On motion of Mr. Epperson, the rules were suspended, the bill read third time and passed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred House bill No. 88, has had the same under consideration, and has instructed me to report the same back and recommend its passage. B. H. EPPERSON, Chairman.

The report was adopted and the bill, being a bill to create a lien in favor of the proprietor of livery and other public stables, was read second time and ordered engrossed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred Senate bill No. 14, have had the

same under consideration, and instruct me to report the same back and recommend its passage, with the following amendments: First, Amend section one, in line eight, by striking out the word "either," and the words "on vacation." Second, In line nine, substitute the words "cause to be cited," for the words "to cite." Third, Add to section one the words: "Provided that no justice of the peace shall be required to answer such citation in any other than the county in which he resides." B. H. EPPERSON, Chairman.

The bill, being Senate bill No. 14, to authorize district judges to inquire into the sufficiency of the bonds of justices of the peace, was read second time. The amendments were adopted *seriatim*, the bill thus amended adopted and passed to third reading. On motion of Mr. Epperson, the rules were suspended, the bill read third time and passed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred House bill No. 97, entitled "An act to amend sections one, two and three, of an act entitled 'An act to amend an act authorizing the transcript of the records of Bowie county,'" approved April 3, 1873; has had the same under consideration, and instruct me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred House bill No. 30, has had the same under consideration, and has instructed me to report the same back and recommend that it do not pass.

B. H. EPPERSON, Chairman.

The report was adopted, and the bill, being House bill No. 30, "to cause sheriffs to make deeds to lands sold for taxes by assessors and collectors," was read second time and indefinitely postponed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred House bill No. 98, entitled "An act to amend 'An act prescribing the times of holding district court in Kaufman and Rockwall counties, in the Tenth Judicial District,'" approved May 27, 1873, has instructed me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred House bill No. 83, has had the same under consideration, and have instructed me to report it back and recommend that it do not pass, because, in the opinion of your committee, the Police Court of Wood county now has the power to make an appropriation to have the records of the District Court of said county indexed, and they do not believe any special legislation necessary for the purpose contemplated by the bill.

B. H. EPPERSON, Chairman.

The report was adopted, the bill, being a bill "to require the clerk of the District Court of Wood county to index the records in his office, and providing for his payment therefor," was read second time and indefinitely postponed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to which was referred House bill No. 85, have had the same under consideration and have instructed me to report the same back and recommend its passage with the following amendments. First, Strike out section twelve. Second, Amend section one, line three by striking out the word "twelfth" and substituting the word "eleventh."

B. H. EPPERSON, Chairman.

The bill, being a bill to amend "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman," passed June 4, 1873, was read second time.

The first amendment was adopted by the following vote:

Yeas—Mr. Speaker, Anderson, Ballard, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cain, Chambliss, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kemble, Kessler, Lawhon, Lindsey, Massey, Matthews, McCuiston, McLeary, Middleton, Miller, Moody, Murphy, Nicholson, Oxshier, Patrick, Patterson, Rainey, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Swain, Triplett, Walker, Watts and Wortham—64.

Nays—Messrs. Bean, Bruce, Cochran, Foote, Hart, Hayes, Manning, Mitchell, Pickett, Reeves and Smith of Houston—11.

The second amendment was adopted.

Mr. Reeves moved to lay the bill on the table. Lost.

Mr. Lawhon moved to reconsider the vote adopting the first amendment.

Mr. Reeves moved to postpone the whole matter until to-morrow at 11 A. M. Carried.

Further report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Judiciary Committee No. 2, to which was referred House bill No. 68, has had the same under consideration and has instructed me to report the same back, and recommend that it do not pass.

B. H. EPPERSON, Chairman.

The bill, being House bill No. 68, "to require plaintiffs to give bond in certain cases," was read second time. The report was adopted and the bill indefinitely postponed.

Report from Committee on Finance.

(Mr. Rainey in the chair.)

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Finance to which was referred House bill No. 101, entitled "An act for the relief of Walker and San Jacinto counties," have had the same under consideration, and direct me to report said bill back and recommend that the same do not pass.

W. L. MOODY, Chairman.

The bill was read second time. The report was adopted and the bill indefinitely postponed.

Report from Committee on Agriculture and Stockraising:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your committee, to which was referred House bill No. 111, to be entitled "An act to authorize the several county courts in this State to offer a premium for wolf scalps," instruct the undersigned to report same back to your body and recommend its passage.

W. G. MILLER, Chairman.

The bill was read second time.

The report was adopted.

Mr. Kessler moved to amend by allowing the same premium to be offered for fox scalps.

On motion of Mr. Sayers, the motion was laid on the table.

Mr. Pickett moved to lay the bill on the table. Lost.

Mr. Foote offered the following amendment: Amend so as to include Mexican lions, wild cats, catamounts, foxes and coons.

On motion of Mr. Harrison, the amendment was laid on the table.

The bill was ordered engrossed.

(Mr. Speaker in the chair.)

Mr. Sayers offered the following resolution:

Resolved, That the Committee on State Affairs, in the matter of the memorial of George W. Paschal, praying for relief, be authorized to send for persons and papers that may be deemed necessary in the investigation of said matter before said committee.

Adopted.

Mr. Reeves introduced a bill for the relief of purchasers of university lands, and to validate patents issued to the same. Read first time and referred to Committee on Public Lands and Land Office.

Mr. Foote introduced a bill to authorize the selection of special judges in the criminal courts of this State in certain cases. Read first time and referred to Judiciary Committee No. 2.

Mr. McLeary introduced a bill to amend "An act to protect the wool growing interest of Texas." Read first time and referred to the Committee on Agriculture and Stockraising.

Mr. Sayers introduced a bill to authorize the levy of writs of execution, attachment and sequestration on neat cattle as they run in the range. Read first time and referred to Judiciary Committee No. 1.

Mr. Moody introduced a bill to empower the County Court of Galveston county to issue bonds to build a court house. Read first time and referred to Judiciary Committee No. 1.

Mr. Speaker announced the following committee to examine the books, papers and accounts of the commissioners and architect of the Agricultural and Mechanical College of Texas: Messrs. Goodwin, Brown of Gregg, McLeary, Sadler and Lea.

Mr. Cochran introduced a bill amendatory of, and supplementary to, "An act to provide for the incorporation of towns and cities," approved May 26, 1873; the same being "An act to amend and supplemental to 'An act to provide for the incorporation of towns and cities,'" approved January 27, 1873. Read first time and referred to the Committee on Towns and City Corporations.

On motion of Mr. Harris, the vote adopting the report of Judiciary Committee No. 1 on House bill No. 81, making it a case of felony wherein a party has borrowed or hired any animal or vehicle and disposed of the same by sale, gift, or otherwise, without the consent of the owner, was reconsidered, and the bill re-referred to Judiciary Committee No. 1.

On motion of Mr. Douglass, Mr. Bruce was added to the Committee on Indian Affairs.

On motion of Mr. Rogers, Mr. Easley was added to the Committee on Education.

Mr. Storey introduced a bill to authorize the county courts of the several counties of this State to levy and collect a special tax for the purpose of building and repairing court houses and jails. Read first time and referred to Judiciary Committee No. 1.

Mr. Rogers introduced a bill for the relief of William T. Townsend. Read first time and referred to the Committee on Private Land Claims.

Mr. Kessler introduced a bill for the relief of the heirs of John Short, deceased. Read first time and referred to the Committee on Private Land Claims.

Mr. Triplett introduced a bill for the relief of the tax payers of Polk county, and postponing the time of collecting the taxes in said county until November 1, 1874. Read first time and referred to Judiciary Committee No. 2.

Mr. Moody introduced a bill to empower the County Court of Galveston county to issue bonds to build a jail. Read first time and referred to Judiciary Committee No. 1.

On motion of Mr. DeMorse, the House adjourned to 10 A. M. to-morrow.

EIGHTEENTH DAY

HOUSE OF REPRESENTATIVES, {
AUSTIN, February 3, 1874. }

House met. Roll called; quorum present. Prayer by chaplain.

On motion of Mr. Brown of Harrison, Mr. Beck was excused on account of sickness.

On motion of Mr. Watson, Mr. Jenkins was excused on account of sickness.

On motion of Mr. Bruce, Mr. Hart was excused on account of sickness.

The journal of yesterday was read and adopted.

Report from Committee on Engrossed Bills:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed bills have carefully examined House bill No. 116, entitled "An act to give effect to the Constitution of the State, as amended, so far as it relates to the Supreme Court," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Henderson of Kendall presented a petition of citizens of the Territory of Bexar, asking for the formation of a new county. Read and referred to Committee on Counties and County Boundaries.

Mr. Harris presented a petition from James Smyth of California, asking relief. Read and referred to Committee on Private Land Claims.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed bills have carefully examined the following House bills, to-wit: House bill No. 111, "An act to authorize the several county courts in this State to offer a premium for wolf scalps;" House bill No. 97, "An act to amend sections one, two and three of an act entitled 'An act to amend an act to authorize the transcript of the records of Bowie county,'" approved April 3, 1873; House bill No. 10,

"An act to authorize the appointment of an attorney at law in certain cases, to act as district attorneys," and also House amendments to Senate bill No. 13, "An act to amend 'An act prescribing the time of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870, and find each and all of them correctly engrossed.

L. J. STOREY, Chairman.

On motion of Mr. Kessler, Mr. Von Biberstein was excused until Monday, on account of important business.

Mr. Wortham presented a petition from citizens of Hopkins county asking the enactment of a law similar to the Ohio liquor law. Read and referred to Judiciary Committee No. 1.

Mr. Miller presented a memorial of George Hancock, of Louisville, Ky., asking permission to sue Texas for lands due Chas. I. Mercer. Read and referred to the Committee on Public Lands and Land office.

Mr. Goodwin presented a petition of Benj. L. Stramler, asking certificate of land. Read and referred to the Committee on Private Land Claims.

Report from Committee on Agriculture and Stockraising:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to which was referred House bill No. 16, entitled "An act to encourage stockraising, and for the protection of stockraisers," after careful consideration of the same, direct me to return it to your body and recommend its passage, with the following amendments: In section one, line two, after the word "State;" in section twenty-seven, line nine, after the word "State;" in section thirty-eight, line two, after the word "county," and in section thirty-nine, line two, after the word "county," to insert the words "not hereinafter excepted."

All of which is respectfully submitted,

W. G. MILLER, Chairman.

The report was adopted.

On motion of Mr. Storey, the bill was postponed and made special order for 10:30 A. M., to-morrow.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to which was referred House bill No. 114, entitled "A bill to amend article seven hundred and sixty-one of an act to adopt and establish a Penal Code for the State of Texas," approved August 26, 1856, direct me to return the same to the House of Representatives and recommend its passage.

W. G. MILLER, Chairman.

The bill was read second time. The report was adopted.

Mr. Storey moved to recommit the bill to

the Committee on Agriculture and Stock-raising. Carried.

Special order, House bill No. 85, To amend "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman," passed June 4, 1873, was taken up, pending the motion of Mr. Lawhon to reconsider the vote striking out the twelfth section. The motion to reconsider was lost.

On motion of Mr. Cochran the bill was laid on the table.

Report from the Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to which was referred House bill No. 48, "To reorganize Young county," have had the same under consideration, and unanimously instruct me to return the bill and recommend that it do pass.

BROWN of Gregg, Chairman.

The bill was read second time, the report adopted and the bill ordered engrossed.

Mr. Bean introduced a bill to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans or other marauding or thieving parties. Read first time and referred to the Committee on Indian Affairs.

(Mr. Sayers in the chair.)

Mr. Stephens offered the following resolution:

WHEREAS, Complaint has been made that certificates were issued by the late chief clerk of the General Land Office for one hundred and seventy-four thousand and eighty acres of land to the Galveston, Harrisburg and San Antonio Railroad Company for the grading of seventeen miles of said road from the town of Alleyton, in Colorado county, on the east side of the Colorado river; and

Whereas, Said company abandoned said route, and extended their road by the city of Columbus, and failed to complete said road on the east side of said river, and by reason of said failure are not entitled to any land for said abandoned route; therefore, be it

Resolved, That the Committee on Public Lands and Land Office be requested to examine the Land Office and ascertain whether said certificates have been issued, and report the result of their investigation as soon as practicable.

Adopted.

Mr. Stewart of Montgomery, introduced a bill to amend the ninetieth section of "An act entitled 'An act to regulate proceedings in the district courts,'" approved May 13, 1846. Read and referred to Judiciary Committee No. 1.

Mr. Barziza presented a memorial of

citizens of Harrisburg, Harris county. Read and referred to the Committee on Towns and City Corporations.

Mr. Barziza introduced a bill to prescribe the manner of making minors and persons of unsound mind parties to suits in this State. Read first time and referred to Judiciary Committee No. 2.

Mr. Barziza introduced a bill to authorize Liberty Fire Company No. 2, of the city of Houston, to raise, provide for and administer a charity fund. Read first time and referred to Judiciary Committee No. 2.

Mr. Kessler introduced a bill to change the names of Ernest Louis, Heinrich Seyberlich and Emilie Fredericke Helena Seyberlich. Read first time and referred to Judiciary Committee No. 1.

Mr. Jackman introduced a bill to enlarge and define the boundaries of Wilson county. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. German introduced a bill to pay sheriffs for furnishing blankets, musquito bars, fuel, medicine and medical aid to prisoners, and for cleaning and purifying the jails. Read first time and referred to the Committee on State Affairs.

Mr. Sadler introduced a bill to amend article 2155-493 of "An act to establish a Penal Code," approved August 28, 1856. Read first time and referred to Judiciary Committee No. 2.

Mr. Henderson, of Kendall, introduced a bill to create and organize the county of Green. Read and referred to the Committee on Counties and County Boundaries.

Mr. Pickett introduced a bill to repeal certain portions of section four of "An act entitled 'An act to levy taxes,'" approved August 13, 1870. Read first time and referred to the Committee on Finance.

Mr. Simpson introduced a bill "to regulate the taxation of home and foreign insurance companies." Read first time and referred to the Committee on Finance.

Mr. Simpson introduced a bill "to regulate the time of holding the district courts, and to devote one of the yearly terms of said courts to probate business." Read first time and referred to Judiciary Committee No. 1.

Mr. Simpson offered the following resolution:

Resolved, That the Committee on Federal Relations ascertain from the Comptroller the amounts of money expended, or bonds issued, for the protection of the frontier, and that said committee prepare a memorial requesting the Congress of the United States to refund to the State the amount of all bonds issued, and all moneys expended, for the protection of the frontier.

Adopted.

Mr. Storey introduced a bill to punish the taking and destruction of certain products

of the farm, garden and orchard of this State. Read first time and referred to the Committee on Agriculture and Stockraising.

Mr. Foote offered the following resolution:

WHEREAS, The House has refused to pay the criminal judge in certain cities of this State out of the State Treasury,

Resolved, That Judiciary Committee No. 1 be and they are hereby required to report a bill requiring the counties of Harris and Galveston to pay the salary of the criminal judge of the cities of Galveston and Houston.

Mr. Reeves moved to lay the resolution on the table. Carried by the following vote:

Yeas—Messrs. Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Chambliss, Cochran, Delany, Donald, Douglass, Easley, Farrar, Freeman, Goodwin, Harris, Hayes, Helton, Jackman, Kemble, Lea, Matthews, Mitchell, McLeary, Middleton, Miller, Moody, O'Neal, Oxsheer, Pickett, Rainey, Reeves, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey and Walker—44.

Nays—Messrs. Cain, Denman, Eastland, Edwards, Foote, Galvan, Gellatly, German, Henderson of Smith, Henderson of Kendall, Johnson, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, McCuiston, Murphy, Nicholson, Patrick, Patterson, Rogers, Rosborough, Smith of Houston, Swain, Triplett, Watson, Watts and Wortham—30.

A message from the Senate announced the appointment of the following Senators a committee upon the address for the removal of L. W. Cooper, Judge of the Third Judicial District: Senators Swift, Bradshaw and Ball.

Mr. McLeary offered the following resolution:

Resolved, That a special committee of five members of the House be appointed to confer with a committee of three from the Senate to prepare and introduce a bill apportioning the State of Texas into six congressional districts.

Adopted.

Mr. Cochran introduced a joint resolution relating to the formation of new counties. Read first time and referred to Committee on Counties and County Boundaries.

Mr. Cochran introduced a bill for the relief of O. S. Prophitt of Dallas county. Read and referred to Judiciary Committee No. 2.

Mr. Kemble introduced a bill to validate the census returns of the scholastic census taken before the first of April, 1874. Read first time and referred to the Committee on Education.

Report from the Committee on Engrossed Bills.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 88, "An act to create a lien in favor of the proprietors of livery or other public stables," and also, House bill No. 98, "An act to amend an act entitled 'An act prescribing the time of holding the District Court in Kaufman and Rockwall counties, in the Tenth Judicial District,'" approved May 27, 1873, and find each of them correctly engrossed.

L. J. STOREY, Chairman.

Mr. Wortham introduced a bill for the relief of the heirs of James N. Shell, deceased. Read first time and referred to the Committee on Private Land Claims.

Mr. Smith of Grimes, introduced a bill to repeal the law imposing a tax upon occupations pursued within this State; also, memorial relative thereto. Read first time and referred to the Committee on Finance.

Mr. Schmidt introduced a bill for the relief of J. Christian Boehringer. Read and referred to the Committee on Private Land Claims.

(Mr. Speaker in the chair.)

Mr. Rainey introduced a bill to branch the Supreme Court of the State of Texas, and asked that it be referred to a special committee of seven, to be appointed by the Speaker, and that they report thereon Wednesday, February 4, 1874, at 11 A. M.

Mr. McLeary moved to refer the bill to Judiciary Committee No. 2. Lost.

The motion of Mr. Rainey was then put and carried.

Mr. Speaker appointed the following committee under the resolution: Rainey chairman, Cochran, Manning, Lea, Delany, Brown of Gregg and Stephens.

Mr. Rainey introduced a bill directing the registrar of Houston county to make a complete revision of the registration of voters of that county, which was taken in 1873. Read and referred to the Committee on Privileges and Elections.

Mr. Brown of Gregg, offered the following resolution:

Resolved, That the Comptroller of Public Accounts, be requested to furnish this House with an itemized account against the State for repairs on the Lunatic, Blind, Deaf and Dumb Asylums, the Capitol of the State and other public buildings of the State, at as early a day as possible.

Adopted.

Mr. Sayers introduced a bill regulating the salary and fees of district attorneys. Read and referred to Judiciary Committee No. 1.

Mr. Triplett introduced a bill requiring the judges of the Supreme Court to prefix to their opinions a syllabus thereof. Read and referred to Judiciary Committee No. 2.

Report from Judiciary Committee No. 1:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to which was referred a bill, to be entitled "An act to regulate landlords and tenants," have had the same under consideration, and have proposed a substitute for said original bill, and a majority of said committee have instructed me to recommend the passage of said substitute.

JOHN W. HARRIS, Chairman.

On motion of Mr. McLeary, one hundred copies of the substitute, being a bill "regulating landlords, tenants and farm laborers," were ordered printed, and it was made special order for Saturday, February 7, at 12 m.

Mr. Stephens introduced a bill to pay Lieut. J. A. Wright's company of minute men for services rendered as policemen. Read first time and referred to the Committee on Military Affairs.

Mr. Lawhon moved to grant the use of the Hall of Representatives to Dr. McMullen for the purpose of lecturing therein upon phrenology. Lost.

The Speaker announced the following House committee to co-operate with a like Senate committee to apportion the State into six congressional districts: Messrs. McLeary chairman, DeMorse, Simpson, Barziza and Storey.

On motion of Mr. Harrison, the House adjourned to 10 A. M., to-morrow.

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 4, 1874. }

House met. Roll called; quorum present. Prayer by the Chaplain.

On motion of Mr. German, Mr. McCuiston was excused on account of sickness.

On motion of Mr. Delany, Mr. Walker was excused until Monday.

On motion of Mr. Bruce, Mr. Hart was excused indefinitely on account of sickness.

On motion of Mr. Price, Mr. Miller was excused on account of sickness in his family.

On motion of Mr. Brown of Harrison, Mr. Beck was excused for the day.

On motion of Mr. Swain, Mr. Jenkins was excused on account of sickness.

The journal of yesterday was read and adopted.

On motion of Mr. Brown of Gregg, the rules were suspended and business on the Speaker's table taken up: House bill No. 111, "To authorize the several county courts in this State to offer a premium for wolf scalps," was taken up, read third time and passed; House bill No. 79, "To extend the area and enlarge the county of Gregg," was read third time and passed by the following vote:

Yeas—Messrs. Speaker, Anderson, Ballard, Bean, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Douglass, Eastland, Edwards, Epperson, Farrar, Galvan, Gellatly, German, Goodwin, Harrison, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McLeary, Middleton, Murphy, O'Neal, Oxsheer, Patrick, Patterson, Price, Rainey, Rogers, Rosborough, Sadler, Sayers, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Watson, Watts and Wortham—63.

Nays—Messrs. Barziza, Donald, Foote, Freeman, Harris, Johnson, Mitchell, Moody, Nicholson, Pickett, Reeves, Roberts, Schmidt, Smith of Houston and Stewart of Montgomery—15.

House bill No. 16, "To encourage stock-raising, and for the protection of stock-raisers," was called up, being special order.

On motion of Mr. Storey, the bill was re-committed to the Committee on Agriculture and Stockraising.

On motion of Mr. Sayers, Mr. Storey was added to the Committee on Agriculture and Stockraising.

House bill No. 97, "To amend sections one, two and three of an act entitled 'An act to amend an act to authorize the transcript of the records of Bowie county,'" approved April 3, 1873, was read third time and passed.

House bill No. 10, "To authorize the appointment of an attorney-at-law in certain cases, to act as district attorney," was read third time and passed.

House bill No. 98, "To amend an act entitled 'An act prescribing the time of holding the District Court in Kaufman and Rockwall counties, in the Tenth Judicial District,'" approved May 27, 1873, was read third time and passed.

House bill No. 88, "To create a lien in favor of the proprietors of livery or other public stables," was read third time and passed.

Senate bill No. 27 1-2, "To amend article 2994 of the Code of Criminal Procedure," was read first time and referred to Judiciary Committee No. 1.

Senate bill No. 49, "To regulate the testimony of witnesses in cases of bribery," was read first time and referred to Judiciary Committee No. 2.

Senate joint resolution No. 43, "Making an appropriation to repair and refurnish the Executive Mansion," was read first time and referred to the Committee on Public Buildings.

Senate bill No. 32, "To amend article 778 b, of 'An act to establish a Criminal Code for

the State of Texas," was read first time and referred to Judiciary Committee No. 2.

Senate bill No. 33, "To authorize a change of venue in civil cases," was read first time and referred to Judiciary Committee No. 1.

Senate bill No. 51, "To regulate the holding of the District Court of Freestone county at its April term," was read first time.

On motion of Mr. Manning, the rules were suspended, the bill read second time and passed to third reading.

On motion of Mr. Manning, the rules were further suspended, the bill read third time and passed.

Senate bill No. 53, "To amend article 587 of the Code of Criminal Procedure," was read first time and referred to Judiciary Committee No. 2.

Senate bill No. 64, "An act to repeal an act entitled 'An act to regulate the sale of lands under the decrees of court,' approved August 13, 1870, and an act entitled 'An act to repeal the third section, and amend the second section of an act entitled an act to regulate the sales of lands under the decrees of Courts,'" approved August 13, 1870, passed May 8, 1871, was read first time and referred to Judiciary Committee No. 2.

Special order, House bill No. 146, "To branch the Supreme Court of the State of Texas," was taken up. The special committee to which it had been referred submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The special committee to which was referred House bill No. 146, "An act to branch the Supreme Court of the State of Texas," report the bill back for the consideration of the House, and recommend its passage. Respectfully,

RAINEY, Chairman.

Mr. Cochran submitted the following minority report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

A minority of your special committee on branching the Supreme Court, to whom was referred House bill No. 146, requiring them to consider and report as to the most proper and suitable places of holding the other two branches of the Supreme Court of this State, other than the city of Austin, beg leave to make a minority report, dissenting from the report of the majority of your special committee, for and upon the following reasons:

First, It appeared that the city of Houston, a prominent candidate for the location of one of the branches of said Supreme Court had no representative upon that committee.

Second, That while we do not propose to detract from the city of Tyler any merits

that she can justly claim, disclaiming at the same time, any selfish motives of pecuniary interest in the location of any branch of said Supreme Court at any place, and actuated only by a desire to secure the greatest good to the greatest number, and believing that this can only be accomplished by a due consideration and respect for geographical position, population, location, natural and acquired advantages of the places to be selected for the holding of said Supreme Court, would respectfully state that the city of Dallas has the advantage over Tyler in all these respects. By referring to the map of the State of Texas, we find that the city of Dallas is the most central point north of the city of Austin. We find that the distance from Red River to the city of Dallas is equal to the distance from Dallas to the parallel which *equally* divides the distance from Dallas to Austin. We also find that Dallas is about two hundred miles west of the eastern boundary line of the State, and about two hundred and fifty miles east of the most western settlements, directly west of the city of Dallas, and near five hundred miles east of the western boundary line of the State. It is clearly perceivable that the city of Dallas is the geographical centre of the present inhabited portion of the State in which one branch of the Supreme Court is to be located, and that Tyler is too far east of the above mentioned section of the State, being only about one hundred miles due west from the east boundary line of the State and about four hundred miles east of the extreme settlements on the west. Besides, the city of Dallas has a population of ten thousand inhabitants, while Tyler has only about four thousand five hundred. Besides, the city of Dallas is located in a healthy section of country, surrounded by a rich and fertile soil, with a thrifty, industrious, energetic and *rapidly* increasing population, accessible by railroads from the east, north and south, and destined soon to become the railroad centre of the State.

We further claim that some consideration should be given to the wants of the rapidly growing West, and would respectfully represent that the city of Tyler is entirely too far east for their convenience, and that, in our opinion, all those living between the two branches of the Texas and Pacific Railroad, as far east as Texarkana along the line to Sherman, and as far east as Jefferson along the line to Dallas, and especially those living west of the Texas Central, would prefer coming to Austin even, rather than go to Tyler, as those living west of the Texas Central would either have to travel the dirt road to Tyler, or else leave their horses in the livery stables of the railroad stations at enormous costs in order to reach Tyler by rail. Taking into consider-

tion the geographical advantages of Dallas over Tyler, together with the facts, that Dallas as a commercial city, is second to but two others in the State, and her rapid increase in population, rising in the short space of twelve months, from four thousand to ten thousand inhabitants, together with a brilliant prospect of doubling her population in the near future, and destined soon to be the railroad centre of the great State of Texas, and that she has a court house built of hard rock almost equal to the capitol building in Austin, being one hundred and twenty feet long, and sixty-six feet wide, two stories high, with two upper rooms of sixty-six by sixty feet each, with ample jury rooms—of which she proposes to furnish one sufficient and commodious room for the holding of the Supreme Court in, with sufficient jury and library rooms; all free of charge to the State—we would respectfully ask that the claims of the city of Dallas be duly weighed and considered. Hoping that the greatest good may accrue to the greatest number, we most respectfully ask that this minority report be properly received and favorably considered.

Respectfully, JOHN H. COCHRAN.

Mr. Barziza offered the following resolution:

Resolved, That the two other places besides Austin, where the Supreme Court shall be held, shall be chosen as follows: The name of each member shall be called by the clerk, and each member, when called, may vote for and name two places, or only one if he chooses; the two places which finally receive a majority of all the votes cast, shall be declared selected.

The Speaker explained that the resolution was in the nature of a substitute for both reports, and as such could not properly come before the House at this juncture.

Pending the discussion a message from the Senate announced the adoption by that body of the following resolution:

Resolved, That a committee of three from the Senate and five from the House of Representatives be appointed to take into consideration the propriety of reducing the number of judicial districts in this State, and a reduction of salaries of officers as provided in article twelve, section eight, general provisions of the Constitution, and report as soon as practicable,

And that the following committee had been appointed on the part of the Senate: Senators Wood, Russell and Hobby.

Also, that the Senate had ordered the address for the removal of M. Priest, Judge of the Fourth Judicial District, spread upon the journals of that body, and had appointed the following Senators a committee to co-operate with the House committee to consider said address: Culberson Wood and Dillard.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed bills have carefully examined House bill No. 48, "An act to reorganize Young county," and find the same correctly engrossed.

STOREY, Chairman.

Resuming the discussion, Mr. Sayers moved to lay both reports on the table. Carried.

Mr. McLeary moved to amend the bill by striking out the names of places, except Austin, and that the blanks be filled by taking the vote of the House by calling the roll, and each member voting for one or two places, and whenever two places have received majorities, the names of these two places shall be inserted in the bill to fill up the blanks.

Mr. Smith of Grimes moved to adjourn to 10 A. M. Saturday next. Lost.

On motion of Mr. Storey, the House adjourned to 3 P. M.

AFTERNOON SESSION.

House met. Roll called; quorum present.

On motion of Mr. Anderson, Mr. Johnson was excused on account of sickness.

On motion of Mr. Storey, Mr. Kemble was excused until Wednesday next.

On motion of Mr. Chambliss, Mr. Farrar was excused for ten days.

House bill No. 146, "to branch the Supreme Court of the State of Texas," was resumed, pending the amendment offered by Mr. McLeary.

Mr. Lea moved to lay the amendment on the table. Lost.

Mr. Harrison rose to a point of order, contending that the vote could not be taken in accordance with the resolution without conflicting with the rules of the House.

The Speaker ruled the point not well taken.

Mr. Cochran called for a division of the question.

The motion to strike out the names of all places except Austin was then put and carried by the following vote:

Yeas—Messrs. Ballard, Barziza, Bean, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, German, Goodwin, Hayes, Helton, Henderson of Kendall, Jackman, Jenkins, Kemble, Kessler, Lawhon, Linn, McCuiston, Mitchell, McLeary, Middleton, Moody, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes,

Storey, Swain, Triplett, Von Biberstein, Watson and Watts—61.

Nays—Mr. Speaker, Anderson, Brown of Gregg, Galvan, Gellatly, Harris, Harrison, Henderson of Smith, Lea, Lindsey, Manning, Massey, Matthews, Patterson, Smith of Houston, Stephens and Wortham—17.

The second question being the mode of insertion as provided by the resolution was then put and carried.

The roll was then called with the following result:

The following gentlemen voted for Galveston and Tyler: Mr. Speaker, Anderson, Brown of Gregg, Brown of San Saba, Cain, Chambliss, Denman, Eastland, Edwards, Gellatly, Harris, Harrison, Henderson of Smith, Lea, Lindsey, Linn, Manning, Massey, Matthews, Moody, Patterson, Price, Rainey, Rosborough, Sadler, Sayers, Simpson, Smith of Travis, Smith of Houston, Triplett and Wortham—31.

The following gentlemen voted for Galveston and Dallas: Messrs. Ballard, Delany, Farrar, Jackman, McCuiston, Pickett, Rogers, Scott, Storey, Von Biberstein and Watts—11.

The following gentlemen voted for Dallas and San Antonio: Messrs. Bruce, Cochran, Foote, Hayes, Henderson of Kendall, Kemble, Lawhon, McLeary, Middleton, Murphy, Nicholson and Swain—12.

The following gentlemen voted for Houston and San Antonio: Messrs. DeMorse and Epperson—2.

The following gentlemen voted for Houston and Marshall: Messrs. Brown of Harrison, Roberts and Schmidt—3.

The following gentlemen voted for Houston and Dallas: Messrs. Donald, Freeman, Mitchell, Oxsheer, Patrick and Smith of Grimes.—6.

Mr. Barziza voted for Houston only.

Mr. Douglass and Mr. German voted for Dallas only.

Mr. Goodwin voted for Houston and Tyler.

Mr. Helton voted for Tyler and Waco.

Mr. Jenkins voted for Galveston and Clarksville.

Mr. Kessler and Mr. Galvar voted for Galveston and San Antonio.

Mr. Reeves voted for Dallas and Jefferson.

Mr. Stephens voted for Comanche and Waco.

Upon the count it was found Galveston had received 46 votes, Dallas 34, Tyler 33, Houston 13, San Antonio 16, Marshall 3, Waco 2, Clarksville 1, Jefferson 2, and Comanche 1.

Whereupon it was declared Galveston only had received a majority, and the next ballot would be for one place only.

Mr. Epperson moved to adjourn. Lost by the following vote:

Yeas—Messrs. Ballard, Barziza, Brown of San Saba, Chambliss, DeMorse, Epperson, Farrar, Gellatly, Henderson of Smith, O'Neal and Watson.—11.

Nays—Mr. Speaker, Anderson, Bean, Brown of Gregg, Brown of Harrison, Bruce, Cain, Cochran, Delany, Denman, Donald, Douglass, Eastland, Edwards, Foote, Freeman, Galvan, German, Goodwin, Harris, Harrison, Hays, Helton, Henderson of Kendall, Jackman, Jenkins, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Middleton, Moody, Murphy, Nicholson, Oxsheer, Patrick, Patterson Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Houston, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein Watts and Wortham—67.

On the second ballot the following gentlemen voted for Tyler: Mr. Speaker, Anderson, Brown of Gregg, Brown of San Saba, Cain, Denman, Eastland, Edwards, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Lawhon, Lea, Lindsey, Manning, Massey, Matthews, Moody, Oxsheer, Patterson, Price, Rainey, Rosborough, Sadler, Sayers, Simpson, Smith of Houston, Stephens, Triplett, Watts and Wortham—34.

The following gentlemen voted for Dallas: Messrs. Ballard, Bean, Brown of Harrison, Bruce, Chambliss, Cochran, Delany, Donald, Douglass, Foote, Freeman, Galvan, German, Hayes, Henderson of Kendall, Jackman, Jenkins, Kemble, Kessler, Linn, McCuiston, Mitchell, McLeary, Middleton, Murphy, Nicholson, Patrick, Pickett, Reeves, Rogers, Roberts, Schmidt, Scott, Smith of Grimes, Storey, Swain, Von Biberstein and Watson—38.

The following gentlemen voted for Jefferson: Messrs. Barziza, DeMorse, Epperson, Farrar, O'Neal and Smith of Travis—6.

Whereupon it was evident there had been no choice.

On the third ballot the following gentlemen voted for Tyler: Mr. Speaker, Anderson, Brown of Gregg, Brown of San Saba, Cain, Denman, Eastland, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Lawhon, Lea, Lindsey, Manning, Massey, Matthews, Moody, Oxsheer, Patterson, Price, Rainey, Rosborough, Sadler, Sayers, Simpson, Smith of Travis, Smith of Houston, Stephens, Triplett, Watts and Wortham—34.

The following gentlemen voted for Dallas: Ballard, Barziza, Bean, Brown of Harrison, Bruce, Chambliss, Cochran, Delany, Donald, Douglass, Edwards, Foote, Freeman, Galvan, German, Hayes, Henderson of Kendall, Jackman, Kemble, Kessler, Linn, McCuiston, Mitchell,

McLeary, Middleton, Murphy, Nicholson, Patrick, Pickett, Reeves, Rogers, Roberts, Schmidt, Scott, Smith of Grimes, Storey, Von Biberstein and Watson—38.

The following gentlemen voted for Jefferson: DeMorse, Epperson, Jenkins, O'Neal and Swain—5.

Whereupon it was evident no place had received a majority.

Mr. Lea moved to adjourn to Saturday 10 A. M. Lost by the following vote:

Yeas—Messrs. DeMorse, Epperson, Farrar, Gellatly, Henderson of Smith, Lawhon, Lea, Linn, McCuiston, O'Neal, Rosborough, Sadler, Smith of Grimes, Swain, Triplett, Watson and Watts—17.

Nays—Mr. Speaker, Anderson, Ballard, Barziza, Bean, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Denman, Donald, Douglass, Eastland, Edwards, Foote, Freeman, Galvan, German, Goodwin, Harris, Harrison, Hayes, Helton, Henderson of Kendall, Jackman, Jenkins, Kemble, Kessler, Lindsey, Manning, Massey, Matthews, Mitchell, Middleton, Moody, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Houston, Stephens, Storey, Von Biberstein and Wortham—59.

On the fourth ballot the following gentlemen voted for Tyler: Mr. Speaker, Anderson, Brown of Gregg, Brown of San Saba, Cain, Denman, Eastland, Gellatly, Harris, Harrison, Helton, Henderson of Smith, Lawhon, Lea, Lindsey, Manning, Massey, Matthews, Moody, Oxsheer, Patterson, Price, Rainey, Rosborough, Sadler, Sayers, Simpson, Smith of Travis, Smith of Houston, Stephens, Triplett, Watts and Wortham—33.

The following gentlemen voted for Dallas: Messrs. Ballard, Bean, Brown of Harrison, Bruce, Chambliss, Cochran, Donald, Douglass, Edwards, Farrar, Foote, Freeman, Galvan, German, Goodwin, Hayes, Henderson of Kendall, Jackman, Jenkins, Kemble, Kessler, Linn, McCuiston, Mitchell, Middleton, Murphy, Nicholson, Patrick, Pickett, Reeves, Rogers, Roberts, Schmidt, Scott, Smith of Grimes, Storey, Swain, Von Biberstein and Watson—39.

The following gentlemen voted for Jefferson: Messrs. Barziza, DeMorse, Epperson and O'Neal—4.

Whereupon Dallas was declared to have received a majority of the votes cast.

The bill thus amended was ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed.

The Speaker announced the following House Committee to co-operate with a like

Senate committee in reapportioning the State into Judicial Districts. Epperson chairman, Harris, McLeary, Edwards and Sadler.

Mr. Stephens offered the following resolution:

Resolved, That the committee on Public Lands and Land Office, be authorized to employ a clerk who is familiar with the records, files and papers of the Land Office.

Lost.

On motion of Mr. Sayers, the House adjourned to 10 A. M., to-morrow.

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 5, 1874. }

House met. Roll called; quorum present.

Prayer by the chaplain.

Absent—Messrs. Barziza, Brown of Gregg, German, Harris, Lea, Schmidt and Stewart of Montgomery.

On motion of Mr. Epperson, the reading of the journal was dispensed with.

On motion of Mr. Epperson, the House adjourned to Saturday, 10 A. M., to allow the committee to prepare the hall for the inaugural ball.

TWENTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 7, 1874. }

House met. Roll called; quorum present.

Prayer by the chaplain.

Absent—Messrs. Barziza, Beck and Stuart of Falls.

On motion of Mr. Oxsheer, Mr. Stuart of Falls was excused until Tuesday.

On motion of Mr. Henderson of Kendall, Mr. Kessler was excused until Tuesday on account of important business.

On motion of Mr. Schmidt, Mr. Barziza was excused until Wednesday.

On motion of Mr. Jackman, Mr. Storey was excused on account of sickness in his family.

On motion of Mr. Smith of Travis, Mr. Easley was excused for the day.

On motion of Mr. Nicholson, Mr. German was excused for the day.

On motion of Mr. Brown of Harrison, Mr. Beck was indefinitely excused on account of sickness.

The journals of Wednesday and Thursday were read.

Mr. Bean asked to have his vote on the first ballot on Wednesday recorded for Dallas and Clarksville, which was ordered.

The journals were then adopted.

(Mr. Reeves in the chair.)

Mr. Henderson of Kendall presented a petition from the County Court of Kerr county, asking authority to levy a special tax to pay indebtedness. Read and referred to Judiciary Committee No. 1.

Mr. Smith of Grimes presented a petition from citizens of Grimes county, asking relief for J. H. Muldrew and J. T. Whitesides. Read and referred to Judiciary Committee No. 2.

Mr. Smith of Travis presented a petition from citizens of Blanco, Llano and Hays counties, asking the formation of a new county. Read and referred to the Committee on Counties and County Boundaries.

(Mr. Speaker in the chair.)

Report from Committee on Engrossed Bills:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 146, "An act to branch the Supreme Court of the State of Texas," and find the same correctly engrossed. DEMORSE, for Committee.

Mr. McLeary presented a memorial from the Police Court of Bandera, county, asking a change in county lines. Read and referred to Committee on Counties and County Boundaries.

Mr. Swain presented a petition of citizens of Red River county, asking the passage of a prohibitory liquor law within certain limits. Read and referred to Judiciary Committee No. 1.

Mr. Goodwin presented a memorial from Mary E. Gentry, asking for a certificate for 640 acres of land. Read and referred to Committee on Private Land Claims.

Reports from Judiciary Committee No. 1:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 121, to be entitled "An act to authorize the county court of Galveston county, to issue and provide for the payment of bonds to be used in erecting suitable buildings for the Supreme Court," have duly considered the same; and respectfully recommend the passage of said bill.

JOHN W. HARRIS, Chairman.

The report was adopted, and the bill read second time.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 77, to be entitled "An act to amend the first section of an act entitled 'An act to incorporate the Texas Banking and Insurance Company,'" have had the same under consideration, and respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred the resolution instructing said committee to consider the necessity of having a third rail laid on the Galveston, Houston and Henderson Railway, have had the same under consideration, and have instructed me to recommend the reference of said resolution to the Committee on Internal Improvements.

JOHN W. HARRIS, Chairman.

The report was adopted and reference made.

A message from the Senate announced that that body had stricken out of the rules of procedure in impeachment cases "ten days," and inserted in lieu thereof "five days," regarding the time that parties accused shall have in which to respond.

Further report from Judiciary Committee No. 1:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 100; to be entitled "An act to provide for supplying the records of Limestone county, destroyed by fire on the twenty-third of October, 1873," have duly considered said bill, and have adopted a substitute therefor, and respectfully recommend the passage of said substitute.

JOHN W. HARRIS, Chairman.

The bill having been read, the substitute of the same caption was read, adopted and ordered engrossed.

Reports from Judiciary Committee No. 2:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to whom was referred House bill No. 4, "A bill to fix the venue in certain cases," have had the same under consideration, and have instructed me to report the accompanying bill as a substitute, and to recommend the passage of the substitute.

B. H. EPPERSON, Chairman.

The bill having been read, the substitute was read, adopted and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 95, have had the same under consideration and have instructed me to report the same back, and recommend that it do not pass.

B. H. EPPERSON, Chairman.

The bill, being "An act to repeal section one of an act entitled 'An act to provide for the appointment of notaries public,' approved November, 1837, and section one of an act entitled 'An act supplemental to an act defining the office and duties of notaries public,' passed May 13, 1846, and to amend the first section of said

act, approved March 5, 1863," was read second time. The report was then adopted.
Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 109, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill, being a bill to amend article 757 of "An act to adopt and establish a penal code for the State of Texas," approved August 26, 1856, was read second time, the report was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Judiciary Committee No. 2, to whom was referred House bill No. 13, entitled "An act to amend sections nineteen and twenty of of 'An act regulating elections,'" have had the same under consideration and have instructed me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee to whom was referred House bill No. 96, have had the same under consideration, and have instructed me to report the same back with the recommendation that it do not pass.

B. H. EPPERSON, Chairman.

The bill being a bill "To authorize the Governor to appoint *pro tem* judges of supreme and district courts to fill vacancies caused by suspension of judges during pendency of impeachment," was read second time.

The report was then adopted.

Reports from Committee on Finance:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom were referred House bill No. 9, "An act to pay district attorneys of the State for services heretofore performed;" and House bill No. 12, "An act appropriating twenty thousand dollars or so much thereof as may be necessary for the payment of justices' commissions for the year 1873;" and House bill No. 28, "An act making appropriation for the payment of the fees, in criminal cases, of sheriffs and clerks of the district courts," have considered the same and do now instruct me to report said bills back, with the substitute herewith and recommend the passage of said substitute in lieu of said original bills.

W. L. MOODY, Chairman.

The substitute, being House bill No. 151, "Making appropriation to supply the deficiencies in the appropriations for 1873 and previous years; for costs due sheriffs,

clerks and attorneys in district courts; for fees of justices of the peace, constables and other peace officers in criminal prosecutions, and for amounts due justices of peace for assessing the taxes for 1873," was read. The report was adopted.

On motion of Mr. Sadler, the bill was recommitted to the Committee on Finance.

Report from Committee on Education.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Education, to whom was referred House bill No. 87, "An act to establish and maintain normal schools in the State of Texas," report the bill back and recommend that it do not pass, because of constitutional objections.

Respectfully,

RAINEY, Chairman.

Pending the reading of the bill, the special order for the hour, being House bill No. 11, "An act regulating landlords and tenants and farm laborers," was announced.

On motion of Mr. Triplett, the special order was postponed until Wednesday, February 11, at 12 m., and made the special order for that hour.

Resuming the reading of the pending bill, on motion of Mr. McLeary, the bill and report were referred to Judiciary Committee No. 2.

Report from Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 99, to repeal an act entitled, "An act, approved May 30, 1873, locating the county seat of Trinity county," have had the same under consideration, and the committee instruct me to report the same back, and recommend that the bill do pass.

BROWN of Gregg, Chairman.

The bill was read second time and report adopted. The bill was then ordered engrossed.

On motion of Mr. Hayes, the rules were suspended, the bill read third time and passed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 133, "An act to define and regulate the boundaries of Wilson county," have had the same under consideration, and the committee instruct me to return said bill and recommend that it do pass.

BROWN of Gregg, Chairman.

The bill was read second time, and the report adopted. The bill was then ordered engrossed.

On motion of Mr. McLeary the rules were

suspended, the bill read third time and passed.

Report from Committee on Military Affairs:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Military Affairs to whom was referred House bill No. 113, entitled "An act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General in collecting the State arms," direct me to return the same to the House of Representatives and recommend its passage.

G. I. GOODWIN, Chairman.

The bill having been read second time, the report was adopted. The bill was then ordered engrossed. Mr. Murphy moved to suspend the rules and put the bill on its final reading. Lost.

Report from Committee on Indian Affairs.

Hon. Guy M. Bryan Speaker of the House of Representatives:

Your Committee on Indian Affairs, to whom was referred House bill No. 128, "To provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans or other marauding or thieving parties," have had the same under consideration, and instruct me to report said bill back to the House and recommend that it do pass.

G. B. PICKETT, Chairman.

On motion of Mr. Reeves, the reading of the bill was dispensed with, and it was made special order for Tuesday, the tenth, at 11 A. M., and one hundred copies ordered printed.

Mr. Sayers introduced a bill to regulate legal proceedings in certain cases. Read and referred to Judiciary Committee No. 1.

Mr. Rainey offered a concurrent resolution thanking the State of Georgia for the generous greeting from that State. Adopted.

Mr. Edwards introduced a bill to create the county of Gano. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. Roberts introduced a bill amendatory of an act entitled "An act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railroad Company," approved April 27, 1870. Read first time, and referred to the Committee on Internal Improvements:

Mr. Reeves introduced a bill to enable the county courts of this State to provide manual-labor poor houses and farms, and regulate the control and management of the same, as provided by section twenty-six of article twelve of the State Constitution. Read by caption, and referred to the Committee on State Affairs.

On motion of Mr. O'Neal, the rules were suspended and House bill No. 51, "An act

to authorize parties to sue, in certain cases, before district courts for headright, bounty and donation certificates," was taken up, and made special order for Monday, February 6, 1874, at 11 A. M.

Mr. Smith of Grimes introduced a bill for the relief of James H. Muldrew and John T. Whitesides. Read and referred to Judiciary Committee No. 2.

Mr. Smith of Grimes introduced a bill to protect carpenters, mechanics and other workmen. Read first time and referred to Judiciary Committee No. 2.

Mr. Henderson of Kendall introduced a bill to authorize the County Court of Kerr county to levy and collect a special tax to pay the outstanding indebtedness of that county. Read first time and referred to Judiciary Committee No. 1.

Mr. Stewart of Montgomery introduced a bill to exempt a certain limited amount and description of personal property from sale for taxes until January 1, 1875. Read and referred to the Committee on Finance.

A message from the Senate announced the passage by that body of Senate bill No. 40, to require out-going officers to turn over to their successors all books and papers pertaining to their offices.

Mr. Goodwin introduced a bill to incorporate the National, Rio Grande and El Paso Railway and Telegraph Company. Read first time and referred to the Committee on Internal Improvements.

Mr. Simpson introduced a bill to repeal an act entitled "An act for the relief of railroad companies indebted to the State for loans from the special school fund." Read first time and referred to Judiciary Committee No. 1.

Mr. Rosborough offered the following resolution:

Resolved, That a committee of three be appointed by the House to act with a like committee on the part of the Senate to make an equitable division of the rooms in the Capitol building for the use of the standing committees of the two houses, and to secure such additional rooms as may be needed.

Adopted.

The Speaker appointed the following gentlemen the committee called for by the resolution: Messrs. Rosborough, Cochran and Smith of Travis.

A message from the Senate announced the appointment by the Senate of Senators Dillard, Moore and Ireland a committee to co-operate with the House committee in apportioning the State into Congressional districts; also, of the passage by that body of Senate bill No. 64, amendatory of an act supplementary to "An act authorizing the disposition and sale of the university lands," approved August 30, 1856, approved November 12, 1866.

Mr. Chambliss introduced a bill to relieve manufacturers of taxation in certain cases. Read first time and referred to the Committee on Commerce and Manufactures.

Mr. Rainey introduced a bill to abolish the third, fourth and fifth judicial districts of the State, and to reorganize the counties thereof into other judicial districts, and to repeal the existing law so far as the same conflicts with this act. Also, a bill amendatory of "An act prescribing the times of holding the districts courts in the several judicial districts in the State," approved August 10, 1870. Both were read and referred to Judiciary Committee No. 1.

Mr. Brown of San Saba introduced a bill to provide for the registration of conveyances of property situated in unorganized counties. Read and referred to Judiciary Committee No. 2.

Mr. Foote introduced a bill for the preservation of birds and game. Read and referred to the Committee on State Affairs.

Mr. Lawhon introduced a bill to provide for transferring all suits in the district court to counties attached for judicial purposes to other counties, when such counties so attached shall become properly organized. Read and referred to Judiciary Committee No. 2.

Mr. Bryan introduced a bill to authorize incorporated cities to establish and manage free libraries. Read and referred to the Committee on Education.

Mr. Henderson of Smith introduced a bill to amend section one of an act entitled "An act regulating elections," approved March 31, 1873. Read by caption and referred to Judiciary Committee No. 1.

Mr. Rogers introduced a bill to incorporate the Sharpsburg Bridge and Ferry Company. Read by caption and referred to the Committee on Roads, Bridges and Ferries.

Report from special committee on removal of district judges:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom were referred resolutions and addresses for the removal of Judges M. Priest and L. W. Cooper, with instructions "to report the proper mode of procedure in such cases," would respectfully report that they have given this matter due consideration, and with the consent of the joint committee of the Senate and House, do recommend the subjoined joint resolution, prescribing certain rules of procedure, as eminently proper to be adopted in cases of removal of judges on address.

E. D. LINN, Chairman.

Mr. Meissner moved to have one hundred copies of the report and joint resolution printed. Lost. The report was then adopted.

The joint resolution prescribing the rules of procedure in cases of removal of judges

or other officers by address, was read first time.

On motion of Mr. DeMorse, the rules were suspended, the joint resolution read second time and ordered engrossed.

On motion of Mr. Smith of Houston, the rules were further suspended, the joint resolution read third time and passed.

On motion of Mr. Foote, the House adjourned to 10 A. M. Monday.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 9, 1874. }

House met. Roll called; quorum present.

Prayer by the chaplain.

The journal of Saturday was read and adopted.

Mr. Price presented a memorial of citizens of Bastrop county relative to the establishment of a railway depot at Paige station, Bastrop county. Read and referred to Committee on Internal Improvements.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined the following House bills, to-wit: House bill No. 77, "An act to amend section one of an act to incorporate the Texas Banking and Insurance Company," approved June 28, 1870; House bill No. 99, "An act to repeal act entitled 'An act to locate the county seat of Trinity county,'" approved May 30, 1873. House bill No. 4, "An act to fix the venue in certain cases;" House bill No. 100, "An act to provide for supplying the records of Limestone county, destroyed by fire;" House bill No. 109, "An act to amend article 757, of 'An act to adopt and establish a penal code for the State of Texas,'" approved August 26, 1856; and also House bill No. 113, "An act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General in collecting the State arms," and find each correctly engrossed.

L. J. STOREY, Chairman.

Mr. Cochran presented a memorial from the citizens of Dallas county, asking the passage of a law similar to the Ohio liquor law." Referred to Committee on State Affairs.

Mr. Brown of San Saba presented a petition from James Waul, asking pension. Read and referred to the Committee on Claims and Accounts.

Mr. Hart presented a petition to provide for the organization of Young county. Read and referred to Committee on Counties and County Boundaries.

Report from Committee on Public Buildings:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to whom was referred Senate joint resolution No. 43, "Making an appropriation to repair and refurnish the Executive Mansion," have had the same under consideration, and the committee instruct me to report the same back, and recommend that it do pass.

D. D. ROSBOROUGH, Chairman.

The bill was read second time, the report adopted, and the joint resolution ordered engrossed.

On motion of Mr. Smith of Houston, the rules were suspended, the joint resolution read third time and passed by the following vote:

Yeas—Mr. Speaker, Anderson, Ballard, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cochran, Delany, Denman, Donald, Douglass, Eastland, Edwards, Ep-person, Foote, Freeman, Galvan, Gellatly, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Manning, Matthews, McCuiston, Mitchell, McLeary, Meissner, Middleton, Miller, Moody, Murphy, Nicholson, O'Neal, Ox-sheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Houston, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Watson, Watts and Wortham—71.

Nays—Mr. Brown of Harrison—1.

On motion of Mr. Rainey, the vote passing the bill was reconsidered, and it was re-committed to the Committee on Public Buildings.

A message from the Senate announced the passage by that body of Senate joint resolution No. 98, authorizing the Executive to employ one or more additional clerks.

Report from Committee on Agriculture and Stockraising:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 22, entitled "An act to protect the wool growing interest of the State of Texas;" also, a bill to be entitled "An act to amend 'An act to protect the wool growing interest of the State of Texas,'" have had both under consideration, and direct me to return both to your House and recommend that they do not pass, and offer as a substitute therefor the accompanying bill, to amend section two of "An act entitled 'An act to protect the wool growing interest of the State of Texas,'" approved December 28, 1861,

Respectfully submitted,

W. G. MILLER, Chairman.

The substitute and bill having been read, the report was adopted and the substitute ordered engrossed.

Report from the Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 136, "To create and organize the county of Green," have had the same under consideration, and I am instructed by the committee to report the bill back and recommend that it do pass, with the following amendment: That wherever the word "Green" appears, it be preceded by the word "Tom," so as to read "Tom Green."

BROWN of Gregg, Chairman.

The report was adopted and bill ordered engrossed.

The special order, House bill No. 51, "To authorize parties to sue in certain cases before district courts for headright, bounty and donation certificates," was taken up.

On motion of Mr. Sayers, the House proceeded to consider the bill by sections.

Mr. McLeary offered the following amendment to section one: Strike out the word "or," preceding "their heirs," wherever it occurs, and insert after the same the words "or assigns." Adopted.

Mr. Swain moved to amend the same section by adding after the word "assigns," the words "or legal representatives." Adopted.

Mr. Sayers offered the following amendment: In line twenty-six, strike out all after the word "in;" also the three first words in line twenty-seven, and insert in lieu thereof the words "in the district court at the seat of government."

Mr. Harrison offered the following substitute for the amendment: Strike out of section one all after line twenty-eight.

Mr. Hayes moved to table the bill and amendments. Lost.

The substitute of Mr. Harrison was then put and failed to carry.

The amendment of Mr. Sayers was then put and failed to carry.

Mr. Simpson offered the following amendment: After the word "Texas," in line six, add "and all colonists who are now, or may have been by virtue of and under the laws of the Congress of Coahuila and Texas;" also after the word "headright," in line six, add the words "or grants." Lost.

On motion of Mr. Moody the bill was re-committed to the Committee on Public Lands and Land Office.

On motion of Mr. Ramey, House bill No. 6, "To ascertain the amount due teachers of the public free schools of this State for services rendered as teachers prior to July 1, 1873, and to provide for the payment of the same, and regulating verification and disbursement," was taken up.

On motion of Mr. Sayers, the House went into committee of the whole upon the bill.

(Mr. Reeves in the chair.)

After discussion, on motion of Mr. Sayers, the committee arose and reported that they had considered the bill and recommended the adoption of the following amendments:

(The Speaker in the chair.)

After the word "vouchers," in line twenty-six, section four, insert "have been lost or mislaid or."

In line five, section four, after the word "his," insert "or her."

In line thirty-five, section four, after the word "date," insert "grade or class of school taught."

In section four, wherever the word "his" occurs, insert "or hers," and whenever "he" occurs, insert "or she."

In section five, fill blank in line twenty-four with "thirty days," and the blank in line thirty with "sixty days."

Section five, line forty-nine, insert after the word "office," "but if the said county court shall fail or refuse to act, then it shall be the duty of the Governor, upon information furnished him by the State Superintendent or Comptroller, to remove him."

Section five, in line forty-nine, strike out all after the word "office" and all of line fifty.

Add the following section:

Section 6. That this act take effect and be in force from and after the date of its passage.

The amendments were adopted. The bill thus amended was adopted, read second time and ordered engrossed.

On motion of Mr. Storey, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Mr. Speaker, Anderson, Bean, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Epperson, Edwards, Foote, Freeman, Galvan, Gellatly, Goodwin, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, McCuiston, Matthews, McLeary, Mitchell, Meissner, Middleton, Miller, Moody, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Houston, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Watson, Watts and Wortham—76.

A message from the Senate announced the passage by that body of House bill No. 17, to compel the sheriffs or ex-sheriffs and the late treasurers of boards of school directors or those claiming to have been such, or

other officers in the several counties of this State, to make a complete and final settlement with county courts of said counties, and fixing penalties for failure to comply therewith; also, that the Senate had adopted the concurrent resolution of the House raising a joint committee to apportion the rooms in the Capitol building between the two houses, and secure such other rooms as may be deemed necessary, and had appointed Senators Swift, Parker and Allison a committee on the part of the Senate.

On motion of Mr. McLeary, the vote passing House bill No. 133, to enlarge and define the boundaries of Wilson county, was reconsidered, not having been taken in accordance with the provisions of the Constitution. The bill then passed by the following vote:

Yeas—Mr. Speaker, Anderson, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, Delany, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Foote, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Middleton, Miller, Moody, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Watson, Watts and Wortham—71.

Nays—Messrs. Brown of Harrison, Roberts and Smith of Houston—3.

Mr. Linn offered the following resolution:

Resolved, That a committee of three on the part of the House be appointed by the Speaker, to act with a like committee on the part of the Senate as a joint committee to investigate the charges on address against M. Priest, judge of Fourth Judicial District.

Adopted.

Also, the following resolution:

Resolved, That a committee of three on the part of the House be appointed by the Speaker to act with a like committee on the part of the Senate as a joint committee to investigate the charges on address against L. W. Cooper, judge of the Third Judicial District.

Adopted.

On motion of Mr. Sayers, the vote passing House joint resolution No. 10, "Prescribing the rules of procedure in cases of removal of judges or other officers by address," was reconsidered.

On motion of Mr. Simpson, the joint resolution was changed to a concurrent resolution, and as such adopted.

On motion of Mr. Harrison, the House adjourned to 9:30 A. M. to-morrow.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 10, 1874. }

House met. Roll called; quorum present.
Absent—Messrs. Barziza, Harris and Smith of Grimes.

Prayer by the chaplain.

On motion of Mr. Schmidt, Mr. Stewart of Montgomery was excused for one day.

The journal of yesterday was read and adopted.

The Speaker announced the following committee on address for the removal of L. M. Cooper, Judge of the Third Judicial District: Messrs. Delany, Smith of Grimes and Gellatly.

On address for removal of M. Priest, Judge of the Fourth Judicial District: Messrs. McLeary, Goodwin and Triplett.

On address for removal of Martin W. Wheeler, Judge of the Fifth Judicial District: Messrs. Epperson, Simpson and Lawhon.

Mr. Von Biberstein presented a memorial from citizens of Bastrop, Washington, Fayette and Burleson counties, asking the creation of a new county. Referred to Committee on Counties and County Boundaries.

Reports from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 13, "An act to amend sections nineteen and twenty of 'An act regulating elections,'" approved May 31, 1873, and find the same correctly engrossed.

L. J. STOREY, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined the following House bills, to-wit: House bill No. 6, "An act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to July 1, 1873, and to provide for the payment of the same, and regulating verification and disbursements;" House bill No. 136, "An act to create and organize the county of Tom Green," and also House bill No. 171, "An act to amend section second of an act entitled 'An act to protect the wool growing interest of Texas,'" approved December 28, A. D. 1861; and find each correctly engrossed.

L. J. STOREY, Chairman.

Mr. O'Neal presented a petition from citizens of Cass county asking the passage of a law similar to the Ohio liquor law. Referred to Judiciary Committee No. 1.

Mr. Cochran, presented a petition from Elam and Francis H. Sharpe, asking relief.

Referred to the Committee on Private Land Claims.

Mr. Wortham presented petitions from citizens of the counties of Wood, Raines and Delta, asking passage of law similar to the Ohio liquor law. Referred to Judiciary Committee No. 1.

Mr. Anderson presented a petition from certain citizens of Panola county, asking exemption from taxation, or a pension for Dan. A. Mahoney, of said county. Referred to Judiciary Committee No. 1.

Report from Judiciary Committee No. 2: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

The Judiciary Committee No. 2, to whom was referred House bill No. 105, a bill to be entitled "An act to authorize the use of photographic copies of written instruments in taking depositions of witnesses in certain cases," have had the same under consideration, and have instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, report adopted, and bill ordered engrossed.

Report from Committee on Public Buildings:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Public Buildings have had under consideration Senate joint resolution No. 43, and a majority of said committee instruct me to report the same back to the House, and recommend its passage with the following amendments.

D. D. ROSBOROUGH, Chairman.

Sec. 2. That said amount of money appropriated in the first section of this resolution shall be paid out on vouchers approved by Board on Public Buildings and Grounds.

Sec. 3. That this resolution take effect and be in force from and after its passage.

The report and amendments were adopted, the joint resolution read second time and ordered engrossed.

On motion of Mr. Rainey the rules were suspended, the joint resolution read third time and passed by the following vote:

Yeas—Mr. Speaker, Abner, Anderson, Ballard, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, Delany, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Foote, Freeman, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Middleton, Moody, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Schmidt,

Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—76.

Nays—Mr. Brown of Harrison.

Report from Committee on Enrolled bills:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined House bill No. 17, entitled, "An act to compel the sheriffs or ex-sheriffs and the late treasurers of the boards of school directors, or those claiming to have been such, and other officers in the several counties of this State, to make a complete and final settlement with the county courts of said counties, and fix penalties for failure to comply therewith," and find the same correctly enrolled and presented the same to the Governor for his approval this day at 10:30 A. M.

E. D. LINN, Chairman.

Report from Committee on Claims and Accounts:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to whom was referred "petition of James Waul for pension," have had the same under consideration, and a majority of the committee instruct me to report the same back to the House, and recommend that said petition be referred to Judiciary Committee No. 2.

JAMES EASTLAND, Chairman.

The report was adopted and reference made.

Mr. Murphy introduced a bill to authorize Martin S. Culver, his associates and successors to construct, own and keep a toll draw bridge on, over and across the Nueces river, between the counties of Nueces and San Patricio. Read and referred to the Committee on Roads, Bridges and Ferries.

Mr. Chambliss offered the following resolution:

Resolved, That the committee appointed to examine into the charter and charges for freight and passage on the Houston and Texas Central Railway be, and they are hereby, authorized to send for and examine all books, papers and persons under the same rules as govern courts of justice in such cases made and provided.

Adopted.

Mr. Swain introduced a bill to repeal an act entitled "An act to provide for the employment of private clerks for the judges of the Supreme Court." Read and referred to Judiciary Committee No. 2.

Mr. McCuiston offered the following resolution:

WHEREAS, John A. C. Gray, of the city and State of New York, did present to the State of Texas during the administration of the late Governor Edmund J. Davis, a portrait of Gen. Sam Houston; therefore, be it

Resolved, That the Committee on State Affairs be instructed to inquire into the presentation of said portrait, and present for the consideration of this body a resolution expressive of such action as they may deem proper.

Adopted.

Mr. Donald introduced a bill to authorize the sale of the alternate sections of lands as surveyed by railway companies, and set apart for the benefit of the common school fund. Read first time and referred to the Committee on Public Lands and Land Office.

Mr. Kessler introduced a bill for the encouragement of State manufacturers from material produced in the State of Texas. Read and referred to the Committee on Commerce and Manufacturers.

Leave being granted, Mr. Smith of Grimes presented a petition from citizens of Walker county, protesting against the reduction of the area of that county. Read and referred to the Committee on Counties and County Boundaries.

Mr. Jackman offered the following resolution:

Resolved, That the committee appointed to examine into the Deaf, Dumb, Blind and Insane Asylums, be and the same are hereby authorized to send for books, papers, and such witnesses that they may deem proper for a thorough investigation of said asylums; and they are hereby empowered to take all testimony under the same rules that are prescribed for courts of justice in such cases made and provided.

Adopted.

Mr. Simpson offered the following resolution:

Resolved, That the committee of managers, appointed to conduct the impeachment of Wm. Chambers, Judge of the First Judicial District, be and they are hereby authorized and empowered to file and exhibit articles supplemental to and amendatory of those now pending before the Senate.

Adopted.

Mr. Delany introduced a bill to amend "An act to fix the times of holding the District Court of the Twenty-first Judicial District of the State of Texas." Read and referred to Judiciary Committee No. 1.

A message from the Senate announced the passage by that body of House bill No. 97, to amend sections one, two and three of an act entitled "An act to amend 'An act to authorize the transcript of the records of Bowie county,'" approved April 3, 1873; Senate bill No. 56, "An act to regulate the collection of accounts from another State, or from another county in this State than that in which suit is brought;" Senate bill No. 94, "Authorizing the Secretary of State to employ additional clerical force in his office;" Senate bill No. 50, "Making an

appropriation to pay judgment in favor of E. M. Smith against the State of Texas."

A message, with accompanying reports from the Comptroller, Treasurer and Adjutant General, was received from his Excellency the Governor.

The hour for the special order, House bill No. 128, "To provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans or other marauding or thieving parties," having arrived, on motion of Mr. McLeary, it was postponed until Thursday, February 12, at 11 A. M., and made special order for that hour.

On motion of Mr. DeMorse, the rules were suspended and the message just received from his Excellency the Governor was taken up.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

AUSTIN, February 10, 1874. }

Gentlemen of the Senate and House of Representatives :

I herewith transmit to you a statement from the Comptroller of Public Accounts, as also one from the Treasurer of the State, made in reply to my request to be furnished with such information from those offices as would enable me to give to your honorable bodies some idea of the financial condition of the State. These statements, while not so full as might be desired, from lack of time to make the necessary investigation for a full exhibit, are nevertheless believed, as far as they go, to be substantially correct, and to show with reasonable accuracy the condition of the public finances.

It will be perceived from the Comptroller's statement that so much of the public debt as is evidenced by bonds issued, together with interest on them to September 1, 1874, and by Comptroller's warrants outstanding on the sixteenth of January, 1874, amount to \$1,748,831 75 To this add deficiencies in appropriations for the present fiscal year, and warrants estimated to accrue to September 1, 1874, the beginning of the next fiscal year. . . . \$500,000 00

Producing a total aggregate of \$2,248,831 75

In this estimate of deficiencies is not included the debt due the available school fund, supposed to be about \$60,000, nor the mileage and *per diem*, or any of the expenses attending the session of your honorable bodies, the 14th Legislature. Nor does it include the expense of maintaining the frontier force called cut by my predecessor, by circular letter, dated November 1, 1873, an estimate of which, up to the first of March 1874, amounting to \$108,616.00, made by Adjutant General Steele, at my request, is

herewith transmitted for your information.

It further appears, from the Comptroller's statement, that the State is indebted to the Permanent School fund, University fund, and Agricultural and Mechanical College fund, in the aggregate sum of \$711,008.31, as evidenced by her bonds, bearing respectively five and six per cent. interest, issued under various acts of the Legislature, payable respectively to these funds, which bonds are in the vault of the treasury, as shown in report of the Treasurer.

I call the attention of your honorable bodies to the explanatory note attached to the Treasurer's statement, which shows that the \$36,078.75 in currency, and \$94.56 specie, of State revenue, which appears to be in the Treasury, subject to draft for expenses of the government, is really not there, because that amount is greatly less than the debt due from State revenue to the available school fund. The constitution requires that one-fourth of the revenue receipts shall go to the available school fund, and the fact is, that since the commencement of the present fiscal year, only \$17,513.89 has been paid to that fund, when about \$100,000 should have gone to its credit; and after placing the \$36,078.75 currency, and \$94.56 specie, alluded to above, to the credit of the available school fund, State revenue will still be indebted to that fund nearly \$60,000; so that the report of the Treasurer shows when he come into possession, and now, not only not one dollar in the treasury subject to payment of expenses of the government, but a part of the constitutional school fund, used for general revenue purposes, which must be replaced out of the State revenue when collected.

I commend to the consideration of your honorable bodies the statement of the Treasurer, with reference to payment of interest on bonds falling due March 1, 1874, and will add interest falling due September 1, 1874, on bonds, for payment of which, so indispensable to a preservation of the State credit, we can only look to State revenue.

The report of the Comptroller shows the amounts to be paid respectively in March, and September. I have directed the Treasurer to make immediate arrangements for the prompt payment of the interest falling due on first of March, which must be done from any State revenue which may be paid in.

That the treasury is empty, we know to be a fact. We are informed by the Treasurer that he fears we will have to look to some other than the ordinary sources of revenue for the means to pay the interest on the bond debt as it falls due. How and why this is so, time, and an exploration of the confused mass of records in the Treasurer's and Comptroller's offices, may develop.

However this may be, we have the facts, as they now exist, to deal with, and it is proper that we understand well what we have to do.

Your honorable bodies must provide not only to meet the interest as it accrues, and such of the principal of the public debt as is now due, or will fall due before the meeting of another Legislature, but must provide for the expenses of the government during the next fiscal year, commencing on the first of September, 1874.

Referring to the Comptroller's report, we find:

Comptroller's warrants outstanding, on sixteenth of January last, amounting to.....	\$486,800
Deficiencies in appropriations for the present fiscal year, and warrants estimated to accrue to September 1, 1874.....	500,000
Interest falling due on bonds, September 1, 1874.....	80,700
Estimate of amount due available school fund.....	60,000
Adjutant General's estimate of cost of maintaining frontier force to March 1, 1874 (see Report).....	108,616
	\$1,236,116

This amount, except, perhaps, \$100,000,

is due, and its holders are entitled to demand it now, at the counter of the treasury; and the balance will be due in March and September next. To meet it, as well as the expense attending the session of the Fourteenth Legislature, and that to be incurred in maintaining such a system of frontier defense as may be established, your honorable bodies must provide.

The amount of State tax assessed for the year 1873 was \$1,113,890. Of this amount, I am informed by the Comptroller, that \$311,100 has been paid into the treasury; leaving a balance of \$802,790 still to be collected and paid in. One-fourth of that amount, when collected, belongs to the school fund, which, being taken off, leaves \$602,143. Deduct from this amount twenty per cent. to cover delinquencies and losses, which, I am informed by the Comptroller, is less than the per cent. lost for several years past, and a balance of \$481,714 is left, which will be paid into the treasury between this and the first of September next, for general revenue purposes. A small amount, which cannot well be estimated, but which past experience leads me to believe will be insignificant, may be expected from back taxes and delinquent sheriffs.

In the meantime, the ordinary current expenses of the government, until the first of September next, nearly seven months, amounting, say, to five hundred thousand dollars, have to be met.

A statement of these facts, touching the financial condition of the State, will suggest to your honorable bodies the gravity and importance of the questions which we must solve.

It is true that considering her resources and capabilities, the public debt of Texas is insignificant, but these resources are not available in the present exigency, and to meet present necessities, the fiscal operations of government are now being performed through the medium of Comptroller's warrants, and these are fluctuating in value from sixty-five to eighty cents on the dollar.

Little or no money is being used. As fast as a dollar is paid into the treasury, an obligation of the State demands it, and it is paid out. The expenses of the State, whenever she goes into the market as a purchaser, are nearly doubled by reason of the depreciation of her warrants, the discount being added to the price of the commodity.

The sheriffs who collect the resources when they bring the fund of the State to Austin, it is believed, are often led into improper uses of it for private gain, by holders of warrants, who pay for the privilege of delivering it into the treasury in order that their warrants may draw the money.

It is the universal experience of the world that nothing tends more to the corruption of a government and people than a depreciated currency. Officials, especially, have opportunities for availing themselves of the chances for speculation, which, under such circumstances, always present themselves. Improper use of and speculation with public funds generally ends in fraud and speculation. We are not without numerous illustrations of the truth of this proposition in Texas. Besides, no government can maintain itself, in the respect and confidence of the people, whose administration and current expenses are paid for in depreciated paper. If we would administer the government economically, and at the least expense, avoid official corruption and speculation, and command the esteem and confidence of the people, we must pay the current expenses of the government in good par money.

In order to bring down the expense of the administration to a proper economic standard, we must only pay market value for what the government buys, not *that*, and fifty per cent. besides, to cover discount on paper, which, though depreciated, has eventually to be paid in full by the government, and to get what must be had, at a fair market price, we must have money to pay for it.

I hold that no greater misfortune, whether in a financial or moral point of view, can befall a government than that which condemns it, under the necessities of financial embarrassment, through the me-

dium of dishonored paper, to be fleeced by speculators and swindled by officials, made corrupt, possibly, by opportunity and temptation.

When par funds only are used, with proper watchfulness, there is no danger of fraud; there is no inducement held out to officials for improper speculation in, or use of public funds; and no margin for illegitimate private gain; and the public interests will be honestly dealt with.

In view of these considerations, I recommend to your honorable bodies to take such action as will devote the State revenue, coming into the treasury from this time, to the satisfaction of claims arising against the State on and after the thirteenth of January, 1874, and to the payment of interest on the public debt. This will be considered a harsh measure toward the holders of claims against the State existing anterior to that time, but it must be borne in mind that we are driven to this course by necessity, if it is adopted.

The people are already taxed to the extent that they are able to bear, and I do not believe that your honorable bodies would impose additional taxation on them. I could not recommend you to do it.

We could not sell bonds of the State at this time, except at a ruinous sacrifice. The country has not yet recovered from the shock of the unparalleled financial storm through which it has recently passed, and out of which it comes strewn with the wrecks of ruined credit, and the best securities in the great commercial centres will not bring money, except upon discounts which no prudent business man is willing to make.

I am not willing to advise you to force the bonds of Texas on such a market and at such a sacrifice. It is believed that later in the season, perhaps during the summer, when capital is usually not so actively employed, and money is easier of access, by which time it will be understood that the government of Texas is the choice, and can pledge the faith of the people of Texas, that Texas securities will bring probably something near their value in New York, but they will not do it now.

Those two are the only modes known to me for raising money, and I cannot at this time recommend you to adopt either of them.

If we cannot raise money to meet our liabilities and pay the current expenses of the government, then I say use the money coming into the treasury to pay the latter, and make the best arrangement we can for the former; and for this purpose I recommend that your honorable bodies provide by law for retiring the entire floating debt of Texas in existence up to the thirteenth day of January, 1874, into bonds. I mean

by the floating debt all claims for money against the State, whether in the shape of warrants or other claims, which might be matured into warrants upon the treasury.

I recommend that bonds be issued for this debt, in such mode as you may prescribe; that these bonds be payable in ten years, and at the option of the State, in five years; that they bear ten per cent. interest, and that the interest be payable semi-annually, and that it be provided that whenever a bond is executed and delivered, that the Treasurer shall set apart, out of the first money paid into the treasury, enough to pay the first installment of interest, and a small per cent. sinking fund, and successively after each interest installment is paid, again, in the same way to make provision for payment of the next installment, etc.

I recommend an enactment on the general plan of that of May 30, 1873, to which I respectfully make reference, with the additional provision which will cut off that portion of the public debt referred to from the right to present satisfaction at the treasury.

As before remarked, this is a measure of absolute necessity. If it is not adopted, every dollar paid into the treasury will be absorbed as fast as it goes in, and the current expenses of the government must be paid in warrants, and much of it at a discount which will make the expense double what it would be if money were used. While paying and taking up one warrant at full face value, we would be issuing two, or three, and get for them but little, if any, more than half their face value; these in turn to be redeemed at their face value. We would be traveling in a circle, the public debt acquiring volume and speed in its accumulation, in proportion to the number of its revolutions. The result would necessarily be that the treasury would remain empty, the country would be flooded with warrants, and they would depreciate to such an extent that all the evils of a worthless currency would be upon us. To permit these warrants to be taken in payment for taxes might be advantageous to a few individuals who hold the bulk of them, in this, that they would be enabled to get rid of them at remunerating prices (for, before the session of your honorable bodies commenced, I am informed that these warrants were bought here at sixty cents on the dollar), but the great mass of the people of Texas, who never saw one of them, would derive none of the benefits, and suffer all the evils resulting from it. After taking advantage of a temporary advance and selling out, these same persons would be in condition to take advantage of the inevitable decline which would surely follow, and again reinvest, to hold for another rise.

If money could be raised to pay off all

these demands without too great a sacrifice, of course it ought to be done; but if that is impossible, I hold it to be the duty of the government to protect itself, and the people, in the administration of its affairs, just as a prudent, practical business man would do in a period of temporary embarrassment—that is, to so manage its affairs as to amply secure its creditors and pay them well for the delay of settlement, and at the same time protect itself against unreasonable sacrifice. The bonds into which it is suggested that these warrants be funded, I venture the assertion, are not excelled by any security in the State as a profitable investment for capital. Running for a comparatively short time, bearing ten per cent. interest, payable semi-annually and secured beyond doubt, capital will seek investment in them, and I venture the prediction that ninety days will not elapse after the passage of the law, if it is passed, before these bonds will be worth ninety cents on the dollar, because they will be intrinsically worth par, and even a premium. On the other hand, the warrants proposed to be retired have not averaged more than seventy cents on the dollar, under circumstances much more favorable to their value than would exist hereafter if they are not funded. It is my firm conviction that funded, as I suggest, these claims against the State will be worth twenty cents on the dollar more than in their present shape.

This portion of the public debt is held exclusively by the people of Texas, and they will understand that the necessities of the country demand this course. They will not see in it any breach of faith on the part of the government. On the contrary, they will recognize the fact to be that this administration is compelled to provide for a public exigency, which neither it nor the people of Texas had any agency in bringing about; and that we have no option but to deal with facts as we find them in the mode least detrimental to the public interests.

If my suggestions as to the best mode of dealing with this subject should not meet the concurrence of your honorable bodies, I shall look to the wisdom of your two Houses for some other plan to relieve the State of financial embarrassment, and tender my cordial co-operation in any other that may reasonably promise the desired result. I must, however, be permitted to reiterate my clear conviction that any plan which fails to provide par funds to meet the ordinary expenses of administering the government will fall short of the demands of a proper policy.

If it were probable that State bonds could be sold without too great a sacrifice, I would greatly prefer to raise the funds in that way, to pay off our floating debt. My

information is that this is an exceedingly unpropitious time for such an operation, and that no such sale can be effected except at great sacrifice.

During the ensuing summer money may be easier, and sales that would be satisfactory might possibly be made. I suggest for the reflection of your honorable bodies another alternative, which, if it is preferable to you, will be entirely satisfactory to me as a solution of our trouble, and which might be preferred by the holders of the debt proposed to be funded. It is to suspend the payment of that debt for a period of time, say twelve months, to be paid earlier upon notice by the Comptroller that funds had been raised for the purpose. In order to raise money it would become necessary for your honorable bodies to provide by appropriate enactment for the issue and sale of bonds.

It is believed that during the next twelve months a sale may be effected of State securities on terms that would involve no greater sacrifice than ought to be made for the purpose of paying off the creditors of the State. Bonds could most probably be sold during the summer; they ought to be sold at the earliest possible moment, if this plan is adopted. It would be better for the State to submit to a small sacrifice than throw a heavier loss upon the holders of her paper.

I suggest twelve months, because a shorter time, say six months, would probably place it in the power of interested persons to take advantage of the necessities of the State by depressing the value of her securities. This plan, like the other, will reserve the revenues coming into the treasury for payment of the current expenses of the government, a result the accomplishment of which I deem of paramount importance. I believe it the best policy for the Legislature, either by funding in the mode proposed, or by the issue and sale of bonds, as soon as it can be done without too great a sacrifice, to provide for placing the finances of the State upon a solid, stable basis, so that no more expedients will have hereafter to be resorted to. We ought to settle what we now owe in as short a time as possible, and pay as we go hereafter. If payment of these claims is suspended, as suggested, justice would require that interest be paid on them.

The grand total of the value of real and personal property in Texas, upon which taxes for the next fiscal year will be collected, is estimated by the Comptroller at \$240,000,000, and the occupation tax is estimated at \$250,000. It is believed that the latter is considerably underestimated, while the former is at least as small as it should be. The rate of taxation under existing laws is ample to meet all the ordi-

nary expenses of the government, embraced in the Comptroller's estimate for the next fiscal year, his estimate of the amount necessary for this purpose being \$1,000,800. And it is believed that out of this amount may also be paid the interest on the bond debt, including the floating debt, whether funded or paid by sale of bonds.

Accompanying this will be found a copy of the report of A. Bledsoe, late Comptroller of Public Accounts, for the fiscal year terminating August 31, 1873, to which I respectfully refer your honorable bodies.

I will state for the information of your honorable bodies, that the bonds described in an act entitled "An act to effect a loan to meet deficiencies in the revenue," approved May 31, 1873, which in said act the Governor of this State was authorized to sell, are still in New York unsold. These bonds amount to \$900,000. Upon a portion of them, hypothecated with Williams & Guion, of New York, according to the accompanying report of Comptroller Darden, the sum of \$327,074 70 has been advanced, as per report of ex-Governor Davis on file in that office. The amount of interest due on this money advanced is shown in the Comptroller's report to be, up to September 1, 1874, \$34,500. I am informed that a suit is pending in the city of New York by the Messrs. Williams & Guion against certain of the late officers of the State government of Texas, in which it is sought to procure a decree subjecting the hypothecated bonds to judicial sale for the payment of the money advanced on them. Upon hearing this I telegraphed the Farmers' Loan and Trust Company of the city of New York, with whom the remainder of these Texas bonds are deposited, to see that this suit is properly defended.

The forty-three bonds referred to in the above recited act of May 31, 1873, claimed to have been fraudulently obtained from Raymond & Whitis, and for which no consideration has ever been received by the State, remain as heretofore in the hands of claimants in New York.

I recommend the passage by your honorable bodies of a joint resolution pledging the faith and credit of the State for the prompt payment, principal and interest, of the bonds authorized, under the act of May 31, 1873, to be sold, believing it would strengthen public confidence in these bonds, and aid materially their sale for a fair price. It will be remembered that under existing law, the proceeds of sale of these bonds when sold go into the treasury, to be applied to the payment of all claims upon the State arising upon appropriations made by law for the support of the State government; and in devising ways and means, I suggest that your honorable bodies take these bonds into the estimate. I recommend

that the tax law be carefully revised, with a view to increase the efficiency of the system of assessment and collection of taxes. It is believed that a large per cent. of the property in Texas, especially real estate, is not assessed, and bears no part of the burden of supporting the government. A fair assessment, close collection and honest payment of the tax into the treasury would, I make no question, increase the revenues of the State one-third. I am informed in the Comptroller's office, that twenty-five per cent. is the average loss, for several years past, of the amount of tax assessed. If we add to that the tax on property not assessed at all, it will be seen that my estimate is not an exaggerated one. I suggest an inquiry into the propriety of giving the Comptroller of Public Accounts greater authority over the action of the assessing and collecting agents of the revenue, believing it possible that their efficiency might, by a judicious enlargement of the jurisdiction of that officer over them, be greatly increased. I invoke from your honorable bodies the most mature deliberation and consideration of our financial condition. Everything depends upon the wisdom of our action touching that subject. Financial problems have always been the most important and the most difficult of solution with which the statesman has had to deal. The operation of the whole machinery of government depends upon the soundness and wisdom of the financial policy which moves it. Fortunately for Texas, her embarrassment is only temporary, and results from causes which do not reflect upon the wisdom of her people or statesmen, neither of whom have had any voice or choice in bringing about the troubles we now have to meet. With her vast resources and rapidly increasing taxable values, the public debt of Texas is as nothing.

It embarrasses us now only because the revenues which have been paid by the people, and should have prevented the accumulation of debt, have been squandered and filched by those whom a cruel fortune placed in her offices of trust. We must remember that the honor and interests of Texas are in our keeping, and so shape our action that no detriment shall come to either. Having the utmost confidence in the wisdom and patriotism of your honorable bodies, and believing that your efforts will be equal to the demands of the occasion, I stand ready to co-operate with you in any action which may be believed necessary to the welfare of the people of Texas, or to the honor of the State.

Respectfully submitted,

RICHARD COKE.

NOTE—The item "Interest on debt to September 1, 1874, \$80,700 00," in Comptroller's report, includes all interest on pub-

lic debt falling due between now and that time.

The item "Amount due by State revenue to available school fund January 16, 1874, \$95,298 00," differs from the amount stated in the message, apparently, but is really about the same. I estimate the amount at about \$60,000 00, assuming that the \$36,078 75, currency, and \$94 56, specie, appearing to the credit of State revenue in Treasurers's report, should be passed to the credit of the school fund to which State revenue is indebted.

REPORT OF ADJUTANT GENERAL.

Estimate of the Cost of Maintaining the Seven Companies of Rangers authorized by circular letter of Governor Davis, dated November 1, 1873.

JACK COUNTY COMPANY MUSTERED IN DECEMBER 3, 1873.

Pay of captain, one month.....	\$100 00
Pay of first lieutenant, one month	90 00
Pay of second lieutenant, one month....	80 00
Pay of four sergeants, one month, at sixty dollars.....	240 00
Pay of four corporals, one month, at fifty-five dollars.....	220 00
Pay of sixty four privates, one month, at fifty dollars..	3,200 00
	3,900 00
Rations, one month.	\$1,125 00
Forage, one month... ..	798 00
	\$5,853 00

Cost of above company to March 3, three months.	\$17,557 00
Wise county company, mustered in November 26—pay, etc., three and a half months.....	\$20,485 50
Parker county company, mustered in December 29—pay, etc., two months..	11,706 00
Palo Pinto county company, mustered in December 13—pay, etc., two and a half months.....	14,632 50
Brown county company, mustered in January 6—pay, etc., two months. .	11,706 00
Erath and Comanche counties company, mustered in December 6—pay, etc., three months.....	17,559 00
Two fractional companies in Montague and Young counties, where one company only was authorized. These companies appear to have been mustered in, and will probably claim that as they were mustered, they should be paid. Montague county company, mustered in December 13—pay, etc., two and a half months, one captain, two lieutenants, four sergeants and forty-three men.....	10,855 00
Young county company, mustered in January 6, 1874—pay, etc., two months, one captain, two sergeants, four corporals and nineteen men.....	4,113 00
	\$108,616 00

REPORT OF STATE COMPTROLLER.

Statement of the debt of the State of Texas, January, 1874.

BONDS ISSUED.

1. Six per cent. State bonds issued by Auditorial Board of 1866 for funding the State debt under an act approved November 9, 1866. Bonds due January 1, 1877, and interest payable semi-an-

nually, January 1 and July 1, of each year	\$125,100 00
2. Six per cent. State bonds issued by Auditorial Board of 1871 for funding the State debt under an act approved May 2, 1871; bonds due March 1, 1892, and interest payable semi-annually ..	74,500 00
3. Seven per cent gold frontier defense bonds for the support of ranging companies on the frontier, issued and sold under an act approved August 5, 1870; bonds payable in forty years and interest payable semi-annually, March 1 and September 1	317,000 00
4. Ten per cent. State bonds sold under an act approved May 19, 1871, to meet any deficiency in the revenue for the years 1871 and 1872; bonds payable in five years and interest payable semi-annually, March 1 and September 1; bonds \$1000 each.....	257,000 00
5. One hundred ten per cent. State bonds of \$1000 each of act of May 19, 1871, and three hundred and fifty seven per cent. gold frontier defense bonds of act of August 5, 1870, hypothecated with Messrs. Williams & Guion, of New York City (per report of Governor Davis) for which was realized the sum of.....	327,074 70
6. Ten per cent. State bonds issued under an act approved May 30, 1873, for funding State warrants; bonds payable in ten years and interest payable semi annually, January 1 and July 1 of each year.....	51,500 00
Outstanding certificates of debt approved by Auditorial Board, created by acts of November 9, 1866, and May 2, 1871, and convertible into six per cent. State bonds.	29,157 05
Comptroller's warrants on the Treasurer outstanding January 16, 1874..	486,800 00
	\$1,668,131 75

INTEREST ON THE ABOVE DEBT ESTIMATED TO BE DUE SEPTEMBER 1, 1874.

On six per cent. State bonds of 1866-71, and outstanding certificates, estimated	\$20,500 00
On ten per cent. State bonds of May 19, 1871, estimated	25,700 00
On one hundred ten per cent. State bonds and three hundred and fifty seven per cent. gold frontier defense bonds in the hands of Messrs. Williams & Guion.. ..	34,500 00
	\$80,700 00
Deficiencies in appropriations for present fiscal year, and warrants estimated to accrue to September 1, 1874	500,000 00
Estimated expenses of the government during next fiscal year.....	1,000,800 00
	\$1,500,800 00
Amount of State tax assessed for 1873 ..	\$1,113,890 00
" " " " " " " " paid ..	311,100 00
Balance unpaid	\$802,790 00
Amount due by State revenue account to the available school fund, January 16, 1874.....	\$95,298 00
The following bonds due by the State to its several funds were issued as follows, viz:	
Under act of November 12, 1866, to permanent school fund, 5 per cent. bonds.	\$82,168 82
Under act approved November 15, 1864, to permanent school fund, 6 per cent. bonds.....	320,367 13
Under act approved November 12, 1866, to university fund, 5 per cent bonds..	134,472 26
To Agricultural and Mechanical College fund, proceeds of sale of college scrip donated by the United States Government to Texas Agriculture and Mechanical College invested in 1871, in 7 per cent. gold frontier defense bonds ..	174,000 00
	\$711,008 21
Estimated debt of the State of Texas with interest due September 1, 1874, viz:	

Bonds issued and warrants outstanding.	\$1,668,131 75
Interest on debt to September 1, 1874, estimated	80,700 00
Deficiencies in appropriations for the present fiscal year and warrants esti- mated to accrue to September 1, 1874.	500,000 00
	<u>\$2,248,831 75</u>

Estimated taxable property of the State of Texas for the year 1874:	
Real and personal, say	\$240,000,000 00
Poll tax	170,000 00
Occupation taxes	250,000 00
	<u>\$240,420,000 00</u>

STEPHEN H. DARDEN, Comptroller.

REPORT OF STATE TREASURER.

The accompanying statement shows the condition of the State Treasury at the date of its vacation by the late Treasurer. By reference to the State revenue account, it would appear that there is a balance on hand which might be used in payment of the expenses of the government, which is not the true condition of the account. It is in debt to the available school fund, and a fourth of all receipts since the beginning of

the present fiscal year, with the exception of \$17,513 89, transferred to that account November 30, 1873—the law requiring that one-fourth of all taxes collected shall be placed to the credit of that fund.

The cash balance to the various funds aggregated show the amount of money turned over to me by the late Treasury. The bonds I find also as stated. In addition to the above funds there is also in the Treasury \$98,500 of 10 per cent. State bonds, issued under act of May 30, 1873, for funding State warrants, being the balance of \$150,000 deposited by the Comptroller with the Treasurer, September 20, 1873. I shall have to look to the revenue account to procure means with which to pay the interest on the State debt due March 1, 1874, and with its present deficit other resources will have to be looked to. There are a number of bonds which will fall due in 1877, for which the law requires an interest and sinking fund to be set aside. I find that nothing has been done in that direction.

[Signed] ANDREW J. DORN, Treasurer.

Statement showing the Condition of the State Treasury, January 16, 1874.

	Cash.		Bonds.							Comptroller's certificate of indebtedness.	Promissory notes.	Total bonds	Auditorial bonds retired.
	Currency.	Specie.	Five per cent State	Six per cent State	Five per cent. U. S.	Six per cent. U. S.	Seven per cent Frontr.	Railroad bonds.	Ten per cent. Brazos Co.				
State revenue.....	\$36,078 75	\$94 56	.....	.....	.....	.....	.....	.....	\$12,000	.....	.....	\$12,000 00	4000
Available school fund.....	152,603 22	5,000 00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Permanent school fund.....	.....	.....	\$82,168 82	320,367 13	\$315,050	\$70,800	.....	\$1,753,319	.....	.....	.....	2,541,702 95	.....
Frontier fund.....	3,629 31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
County taxes.....	26,276 17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Interest and sinking fund frontier bonds.....	32,467 83	264 00	.....	.....	.....	2,200	.....	.....	.....	.....	.....	2,200 00	.....
Tax titles.....	1,159 87	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Assessors' fees.....	27 50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Settlement of estates.....	1,540 93	228 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Escheated estates.....	3,722 00	736 10	.....	.....	.....	.....	.....	.....	.....	.....	375 00	.....	.....
Audited State debt.....	56 41	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Interest and sinking fund Walker county railroad bonds.....	2,354 32	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Interest and sinking fund Brazos county bonds.....	3,113 80	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Back taxes.....	2,103 59	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Interest and sinking fund McKinney City bonds.....	1,200 00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Agricultural and Mechanical College.....	.....	5,880 00	.....	.....	.....	.....	\$174,000	.....	.....	.....	.....	174,000 00	.....
Militia fund.....	30 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	134,472 16	.....
University fund.....	.....	.....	134,472 16	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Interest and sinking fund Smith county bonds.....	6,000 00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Interest and sinking fund Tyler county bonds.....	3,333 25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Special loan tax.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	79,409 50	.....	.....	.....
University land sales.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10,300 41	.....	.....	.....
Total.....	\$275,697 13	\$12,203 70	216,641 08	320,367 13	\$315,050	\$73,000	\$174,000	\$1,753,317	\$12,000	89,709 91	375 00	2,864,375 21	4000

ANDREW J. DORN, Treasurer.

Mr. DeMorse moved to print five thousand copies of the Governor's message and accompanying documents in English, one thousand in German and five hundred in Spanish.

Mr. Harrison moved to amend by making the number in English three thousand five hundred. Carried. The motion thus amended carried.

Mr. Sadler introduced a bill relating to

the trial of cases in district courts brought from justices' courts by appeal or otherwise. Read and referred to Judiciary Committee No. 2.

Mr. Rainey introduced a bill to provide for redistricting the State into judicial districts. Read and referred to the Special Joint Committee on redistricting the State. Mr. Rainey introduced a joint resolution calling for a constitutional convention.

Read and made special order for to-morrow at 11 A. M.

Mr. Von Biberstien introduced a bill to create the county of Lee. Read and referred to the Committee on Counties and County Boundaries.

Mr. Anderson introduced a joint resolution for the relief of Daniel A. Mahoney. Referred to Judiciary Committee No. 1.

Mr. Brown of San Saba, introduced a bill to require the Commissioner of the General Land Office to furnish the surveyor's office of each land district with a transcript of the field notes of surveys of land located in said land district, and to cause records of each county of a land district to be kept in separate books, and cause said transcripts to be received as valid testimony in the courts." Referred to Judiciary Committee No. 2.

Mr. Goodwin introduced a bill to amend section twenty-nine of an act entitled "An act prescribing the times of holding the district courts in the several judicial districts of the State," approved August 10, 1870. Referred to Judiciary Committee No. 2.

Mr. Smith of Travis, introduced a bill to dedicate to the use of Travis county certain land in the city of Austin on which to erect a courthouse and jail, and to enable said county to build the same." Referred to Judiciary Committee No. 1.

Leave having been granted, the following report from the special committee on Asylums was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Benevolent Institutions beg leave to report that they have visited the Institution for the Deaf and Dumb, and after a thorough examination find the same in a satisfactory condition, so far as the immediate management is concerned.

The pupils appear to be in excellent health, are well cared for, and are being advanced in moral and intellectual culture to a degree truly commendable to the superintendent, and all others entrusted with these high duties. The rooms, bedding, etc., are kept scrupulously neat and comfortable, while the entire institution, both indoors and out, has the appearance of cheerfulness—making this truly a happy home for this unfortunate class of our people.

But your committee wish to call your attention to what they conceive to be a great oversight in the conduct of this institution. While it is of the first importance to cultivate the minds of the deaf mutes of our State, so that they may have a proper conception of their creation, and be prepared for social and intellectual enjoyment it is certainly of vital importance to their welfare in after life to understand some useful branch of industry,

whereby they may be prepared to earn a livelihood, and become useful and independent members of society. To this end the pupils should be occupied during a portion of their hours from the school room in some mechanical employment. With proper attention in this direction, they would be well calculated to pursue a trade at the end of their term at school, that would afford a means of support. For this purpose your committee would suggest the propriety of a repeal of the appropriation by the Thirteenth Legislature of ten thousand dollars for the erection of a stable, etc., and the appropriation by the present Legislature of a sufficient amount for the erection of suitable shops, and to provide a permanent and systematical instruction in a mechanical department. The trade to which your committee believe would be best adapted to them is that of cabinet making. This would afford an opportunity of acquiring a knowledge of the use of tools; their labor could thus be made available to the institution, and it is an occupation in which they could find employment in after life. Many of them might be taught the art of setting type, which would be specially productive of good to their intellectual improvement, and by this means much of the public printing might be done at a great saving of money to the State.

By a well directed system of management as indicated, your committee are of opinion that this institution would be rendered far less expensive, and its usefulness both to the pupils and the State largely increased.

Your committee would also call attention to the expenses of the institution. From the report of the superintendent, it appears that the cost to the State of each pupil, per annum, is about five hundred dollars. This large cost is owing, for the most part, to the present depreciation of treasury warrants, in consequence of which the State is compelled to pay for supplies for the institution at a ruinous discount, and until the financial condition of the State is improved, this evil must continue to exist. But your committee are of the opinion that a more watchful care on the part of the trustees and superintendent would result in saving a large amount annually to the State, without detriment to the main object and the successful management of the institution. All must see, at this time, the necessity of a rigid system of economy in every department of the government, but none can see it so plainly as the great body of the tax-payers, whose interests are too often disregarded by those handling public funds. But we take pleasure in stating that the superintendent of this institution shows a commendable desire, in his official capacity, to economise for the State, and it is a further

pleasure to us to state that his books, accounts, etc., are entirely satisfactory.

All of which is respectfully submitted,
CHAMBLISS, Chairman.

By leave, the following report from special committee to obtain rooms was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your special committee, to whom was referred the House concurrent resolution, requiring them to act in conformity with a like committee on the part of the Senate to make an equitable division of the rooms in the Capitol building and elsewhere for the use of committees, have the honor to report that the library room on second floor, and rooms number seven and nine on the basement floor of Capitol building are selected for the use of House committees, and also one room in the Land Office building.

D. D. ROSBOROUGH, Chairman.

Mr. Delany introduced a bill to create and establish the State Board of Agriculture. Referred to Committee on Agriculture and Stockraising.

Mr. McLeary offered the following resolution:

Resolved, That Judiciary Committee No. 1 be required to prepare and report an act providing for the election of assessors and collectors of the several counties, in accordance with the amendment to the Constitution lately adopted.

Adopted.

Mr. Middleton introduced a bill to provide for districting the State of Texas into judicial districts. Referred to the Special Joint Committee on redistricting the State.

On motion of Mr. Harrison, the rules were suspended and business on the Speaker's table was taken up.

Senate bill No. 40, to require out going officers to turn over to their successors all books and papers pertaining to their offices, was read and referred to Judiciary Committee No. 1.

Senate bill No. 50, making an appropriation to pay judgment in favor of E. M. Smith against the State of Texas, was read and referred to Judiciary Committee No. 2.

Senate bill No. 56, to regulate the collection of accounts from another State, or from another county in this State, than that in which suit was brought, was read and referred to Judiciary Committee No. 2.

Senate bill No. 64, amendatory of an act supplemental to "An act, authorizing the disposition and sale of the university lands" approved, August 30, 1856, approved November 12, 1866, was read by caption and referred to Judiciary Committee No. 2.

Senate bill No. 94, authorizing the Secretary of State to employ additional clerical force in his office, was read and referred to the Committee on State Affairs.

Senate joint resolution No. 98, authorizing the Executive to employ one or more additional clerks, was read and referred to committee on State Affairs.

House bill No. 4, to fix the venue in certain cases, was taken up and read third time.

Mr. Sadler moved to strike out the words "or a part thereof," in section one. Lost. The bill then passed.

House bill No. 13, to amend sections nineteen and twenty of "An act regulating elections," approved March 31, 1873, was read third time and passed.

House bill No. 48, to reorganize Young county, was read third time.

Mr. Bruce moved to recommit the bill to the Committee on Counties and County Boundaries, for the purpose of considering new evidence.

Mr. Denman moved to lay the bill on the table. Lost.

On motion of Mr. Brown of Gregg, the bill was referred to Judiciary Committee No. 1.

House bill No. 100, to provide for supplying the records of Limestone county, destroyed by fire, was read third time and passed.

House bill No. 77, to amend section one of "An act to incorporate the Texas Banking and Insurance Company," approved June 28, 1870, was read third time and passed.

House bill No. 109, to amend article 757 of "An act to adopt and establish a Penal Code for the State of Texas," approved August 26, 1856, was read third time and passed.

House bill No. 136, to create and provide for the organization of the county of Tom Green, was read third time and passed.

House bill No. 171, to amend section two of an act entitled "An act to protect the wool growing interest of Texas," approved December 28, 1861, was read third time and passed.

A message from the Senate announced the passage by that body of Senate bill No. 125, "To organize the county of Kinney."

The bill just received was read by caption and referred to the Committee on Counties and County Boundaries.

On motion of Mr. Triplett, the House adjourned to 9:30 A. M. to-morrow.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 11, 1874. }

House met. Roll called; quorum present.
Prayer by Rev. Mr. Blum of Galveston.
Absent—Mr. Barziza.

The journal of yesterday was read and adopted.

A message from the Senate announced the passage by that body of the following

bills: House bill No. 98, to amend an act entitled "An act prescribing the time of holding the district court in Kaufman and Rockwall counties, in the Tenth Judicial District," approved May 27, 1873; Senate bill No. 61, to provide for the public printing by contract; Senate bill No. 52, to confer jurisdiction of certain civil causes on the courts in the several counties in this State, Senate bill No. 117, to amend section thirteen of "An act providing for a geological survey of the State of Texas," approved August 13, 1870; Senate bill No. 39, to amend section thirty-six of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873; Senate bill No. 29, to validate the registry of deeds, bonds and other evidences of title in certain cases; and of the House concurrent resolution returning the thanks of the people of Texas to the Legislature of Georgia for the warm and generous greeting from that State.

Mr. Johnson presented a petition from citizens of Shelby county, asking the passage of a law prohibiting the sale of liquor within three miles of Buena Vista. Referred to Committee on Education.

Mr. Rogers presented a petition from John Teel, for one-third league of land certificate. Referred to Committee on Private Land Claims.

Mr. Easley presented petitions from citizens of Williamson, Burleson, Milam and Bastrop counties, asking the formation of a new county. Referred to Committee on Counties and County Boundaries.

On motion of Mr. Sayers, the rules were suspended, and the following reports from the Committee on Constitutional Amendments were submitted.

Majority report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Committee on Constitutional Amendments have had this subject under consideration and are unanimously of the opinion that our Constitution is so defective as to require at least most important amendments. It may be further remarked that the committee have had a consultation with the corresponding committee in the Senate and herewith report, as the result of their deliberations, a copy of the bill that was introduced into the Senate by a portion of the Committee on Constitutional Amendments of that body, after consultation was had, and the majority of your committee respectfully recommend the passage of the accompanying bill.

JOHN W. HARRIS,
W. S. DELANY,
J. H. MCLEARY,
L. J. STOREY,
B. H. EPPERSON,
TILLMAN SMITH,
J. D. STEPHENS.

The bill being an act to provide for the drafting of a new State Constitution, and for submitting the same to the vote of the people, was read.

Minority report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The undersigned members of the Committee upon Constitutional Amendments feel constrained to dissent from the majority report of said committee recommending that a commission be formed for the purpose of framing a constitution. We do not conceive that it was contemplated by our constituencies that we should arrogate to ourselves the power of framing the organic law of the land, nor were we, in our opinion, elected for a purpose so foreign to their intention. The usurpation of power would be so flagrant, the precedent so startling, as to create in the minds of all thoughtful men the gravest anxiety. Since the establishment of the Federal Union, the uniform mode of procedure concurred in with an almost unvarying unanimity by all the States in framing their organic law has been to assemble delegates for that especial purpose direct from the people. So long has this rule of procedure obtained, and so satisfactory has been its results, that it is now firmly established as the common law of this Republic. We believe that should this commission be constituted, that the overshadowing influence of powerful, unscrupulous and wealthy railway companies will be brought to bear with peculiar force upon the small number of men composing this commission, with a view to mould the organic law of the land so as to subserve their purposes. Your committee are satisfied that no undue influence whatsoever will be brought to bear upon this commission by the Executive of this State, nor by the honorable Judges of the Supreme Court, nor do your committee anticipate that any of the departmental officers holding under the present Constitution, a tenure of office for four years, would undertake for a moment to influence the action of this commission, yet, in the opinion of the committee, the opportunity afforded by the formation of this royal commission for the exercise of improper influences is repugnant to every principle of Democracy, and every dictate of right. Will it not be said by the great mass of the people of Texas, should the present incumbents be continued in power, that undue influences were brought to bear upon this plenipotential commission which gratuitously proposes to represent the sovereignty of a great and intelligent people? Yet is it advisable that a sweeping change be made in the officers of State who so universally command the esteem of all true men? Can a commission assume that most

responsible task of determining whether or not the present State officers shall continue in power or a new election be declared under the provisions of the Constitution they may frame and submit? The present officers of the government would naturally feel a great hesitancy and delicacy in being confirmed in positions by any other authority than that invoked by the people in the exercise of their inherent sovereignty.

The very fact of the establishment of a commission is, in our opinion, anti-Democratic—it evidences centralization; a fear of the people; an unwillingness to trust them with the destinies of their State.

It is a reflection upon the intelligence of the people, and an egotistic assumption of the superior attainments, knowledge and qualifications of the Fourteenth Legislature.

We believe that a Constitution, to meet the varied and diverse interests of an empire State must necessarily be carved out of concession and compromise, and that delegates specially authorized to exercise their judgment in concessions and compromises only should undertake this grave duty. Should the precedent once be established that a body elected as a Legislature to frame laws under an existing Constitution, are empowered to frame constitutions by commissions, with what hesitancy would the people elect their next legislative assembly? If one Legislature can assume this power, all subsequent Legislatures can do likewise, and an ever-varying, ever-changing and unsettled organic law would be the result. We believe that it becomes Democrats, who are proud of their history and jealous of their honor, not to abandon our principles by delegating our most sacred rights to any commission, however honored or pure, and we sincerely trust that a measure of such doubtful expediency and fraught with so much danger, will commend not itself to our associates in the House.

Should a commission be established, not more hopeless was the cause of the luckless Peri when "the chrysal bar of Eden moved not," than will be the condition of the unfortunate Fourteenth Legislature, when they are forced to confront the Democrats of Texas, who have demanded in no uncertain voice a convention from the people.

Your minority of said committee, therefore, with all due deference to the report of the majority, respectfully recommend the adoption of the accompanying resolution.

All of which is respectfully submitted,

JAMES B. SIMPSON,
H. F. O'NEAL,
WM B. SAYERS,
G. R. REEVES,
E. D. LINN.

The joint resolution calling a constitutional convention was read.

On motion of Mr. Sayers, the whole matter was postponed until Friday, February 13, at 11 o'clock A. M., and made special order for that hour.

Mr. Moody presented a memorial from Mrs. Clemence Toby, of New Orleans, asking relief. Read and referred to the Committee on Claims and Accounts.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 105, "An act to authorize the use of photographic copies of written instruments in taking depositions of witnesses in certain cases," and find the same correctly engrossed. L. J. STOREY, Chairman.

Report from Judiciary Committee No. 2.
Hon. Guy M. Bryan Speaker of the House of Representatives:

The Judiciary Committee, to whom was referred House bill No. 45, entitled "An act to confer additional jurisdiction on the presiding justice of the peace of Red River county, and prescribe the duties of officers of said court;" and House bill No. 73, entitled "An act to confer further jurisdiction on presiding justices of the peace in the several counties of this State," have had the same under consideration, and have instructed me to report the accompanying bill as a substitute for both of them, and to commend its adoption and passage.

B. H. EPPERSON, Chairman.

The bill being a bill to amend sections two, eight and twelve of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870, was read. Pending the reading,

The special order, House joint resolution No. 11, "Calling a constitutional convention," was announced.

On motion of Mr. Rainey, it was postponed until Friday, February 13, at 11 A. M., and made special order for that hour.

The reading having been finished, the report was adopted.

On motion of Mr. McLeary, the bill was postponed until Tuesday, February 17, at 11 A. M., and made special order for that hour, and one hundred copies ordered printed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 78, entitled "An act to amend an act to organize courts of justices of the peace and county courts and to define their jurisdiction and duty," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 7, entitled "An act to define the mode of procedure on the address of judges of the Supreme and district courts by the Legislature," has had the same under consideration, and has instructed me to report the same back, and to recommend that it do not pass, because the object contemplated by the bill can be better attained by the concurrent resolutions recently adopted by the Legislature, and there is now no necessity for the passage of such a bill.

B. H. EPPERSON, Chairman.

The report was adopted and bill indefinitely postponed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 92, entitled "An act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof," has had the same under consideration, and has instructed me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report and bill were postponed until Monday, February 16, 11 A. M., made special order for that hour and one hundred copies were ordered printed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 181, entitled "An act to amend section twenty-nine of 'An act prescribing the times of holding the district courts in the several judicial districts of the State,'" approved August 10, 1870, has had the same under consideration, and has instructed me to report the same back, and to recommend the following amendments:

First, Strike out all of section two.

Second, And then make section three section two.

And with these amendments, to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, the bill as amended adopted and ordered engrossed.

Report from Committee on Enrolled Bills.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 97, "An act to amend sections

one, two and three of an act entitled 'An act to authorize the transcript of the records of Bowie county,'" approved April 3, 1873, and find the same correctly enrolled, and presented the same to the Governor for his approval this day at 11 o'clock A. M. E. D. LINN, Chairman.

A message from the Senate announced the passage by that body of Senate joint resolution No. 76, asking our Senators and Representatives in Congress to procure an appropriation by Congress to improve the navigation of Soda Lake and Cypress Bayous.

Also, the adoption of a concurrent resolution requesting the removal on address by his excellency the Governor, of J. J. Thornton, judge of Twenty-fourth Judicial District, and that they had appointed Senators Russell, Friend and Davenport a committee on the part of the Senate to consider said address and conduct proceedings thereon, and asked the appointment of a committee of five on the part of the House to co-operate with said Senate committee.

Also, that Senators Culberson, Ball and Ellis had been appointed a committee on the address for removal of L. W. Cooper, judge of Third Judicial District.

Senators Camp, Hobby and Ireland a committee on the address for removal of M. W. Wheeler, judge of Fifth Judicial District.

Senators Bradshaw, Bradley and Dwyer a committee on the address for removal of Henry Maney, judge of Twenty-second Judicial District.

Senators Dillard, Wood and Parker a committee on the address for removal of M. Priest, judge of Fourth Judicial District.

Also, of the passage by that body of Senate bill No. 78, "to define the land districts of Palo Pinto, Jack, Clay, Young and Eastland counties, and to make valid the surveys and locations made therein."

Report from Committee on Public Lands and Land Office:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office, to whom was referred House bill No. 51, "An act to authorize parties in certain cases to sue in the district courts for headright certificates, bounty and donation warrants, and to provide for the issuing of such certificates," have examined the same, and instruct me to report the same back to the House, with the accompanying amendments, and recommend that it do pass.

DOUGLASS, Chairman *pro tem*.

Amendments by committee: Section 1. Strike out all after the word "entitled," in line twenty-eight. Amend section so as to read as follows: "The suits provided

for in the preceding section shall be commenced by filing his or her petition in the district court, setting forth the quantity of land for which he or she claims a certificate. The petition must state the name of the individual in whose right the claim was made; whether he was a citizen born in Texas, or an immigrant thither, if an immigrant the time of his or her immigration, the time, place and county of his first fixed residence, the county or counties where such immigrant has resided up to the time of making the application, or until the time of his death, if such immigrant is dead; whether such immigrant was married subsequently to his immigration, if married, whether the family of such immigrant came with him to Texas, or whether they subsequently came to the State and when, and that he or those under whom he claims has never received a certificate therefor; or if an invalid or conditional certificate has issued, then the petition must show fully the grounds upon which relief is sought, which petition must be verified by the affidavit of the party filing it; provided, that no suit shall be authorized to be brought for any certificate that has been rejected by any traveling board, or any other board to examine certificates, and that no petition be entertained from those or their heirs that deserted the State prior to the battle of San Jacinto.

The bill and amendments having been read, the report was adopted.

On motion of Mr. Sayers, the House proceeded to consider the bill by sections.

Mr. McLeary moved to amend section one by re-inserting that part of the printed bill stricken out by the amendment offered by the committee. Lost.

House bill No. 11, "To regulate landlords and tenants," was announced, being special order for the hour.

On motion of Mr. Sayers, the special order was postponed until the pending bill should be disposed of.

Mr. Smith of Grimes, offered the following amendment: Amend section one, line twenty-eight, by adding the following proviso after the word "entitled" in said line: "*Provided* that no person, nor his heirs or legal representatives, who have not continuously resided within the Republic or State of Texas to this time, or to the death of such person, shall be entitled to relief under this act."

On motion of Mr. Sayers, the amendment was laid on the table.

Mr. Lawhon offered the following amendment: Amend section one by adding in line six, after word "Texas," the following: "or the laws of Coahuila and Texas."

On motion of Mr. Sayers, the amendment was laid on the table.

Section one was then adopted.

Mr. McLeary moved to amend section two by inserting in line two, after the word "by," the words "the parties claiming." Adopted.

Section two was then adopted.

Section three was then adopted.

On motion of Mr. Eastland, the words "or she" were inserted in section four, after the word "he" wherever it occurs. The section thus amended was adopted.

Mr. Storey moved to amend section five by striking out all between the word "him," in line thirteen, and the word "dollars," in line twenty-one, and insert in lieu thereof: "the same fees for such services as are now or may hereafter be prescribed by law." Adopted.

The section thus amended was adopted.

Mr. Chambliss moved to strike out "1875," in line three, section six, and insert in lieu thereof, "1876." Lost.

Mr. Brown of San Saba moved to amend section six by striking out all after the word "passage." Lost.

Mr. McLeary moved to change section six so as to read as follows: "This act shall take effect for twelve months from the date of its passage." Lost.

Mr. Storey moved to amend section six by striking out all after the word "passage." Adopted.

Section six was then adopted.

The bill thus amended was adopted and ordered engrossed.

Special order, House bill No. 6, to regulate landlords and tenants, was taken up.

Mr. Kessler moved to lay the bill on the table. Lost by the following vote:

Yeas—Messrs. Abnar, Ballard, Brown of Harrison, Bruce, Douglass, Freeman, Hart, Kessler, Lea, Linn, Mitchell, Meissner, Murphy, Roberts, Schmidt and Scott—16.

Nays—Mr. Speaker, Anderson, Bean, Brown of Gregg, Cain, Cochran, Delany, Denman, DeMorse, Donald, Easley, Eastland, Edwards, Epperson, Foote, Galvan, Gellatly, German, Goodwin, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Lawhon, Lindsey, Manning, Massey, Matthews, McLeary, Middleton, Miller, Moody, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Sadler, Simpson, Smith of Travis, Smith of Houston, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—61.

Mr. McLeary offered the following amendment: Strike out the word "landlord," wherever it occurs, and insert in lieu thereof "lessor," and strike out the word "tenant," wherever occurring, and insert in lieu thereof "lessee."

Leave being granted to make a motion, Mr. Stewart of Montgomery asked that Mr.

Watts be added to the Committee on Penitentiary, in place of Mr. Stuart of Falls, detained at home by sickness. The addition was made.

On motion of Mr. Smith of Grimes, the House adjourned to 10 A. M., to-morrow.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 12, 1874. }

House met. Roll called; quorum present.

Prayer by the chaplain.

Absent—Mr. Barziza.

On motion of Mr. Foote, Mr. Pickett was excused on account of sickness.

Mr. Sayers moved to dispense with the reading of the journal. Lost.

A message from the Senate announced the presentation in that body, by Senator Russel, of the following address to his excellency, Governor Coke, requesting the removal of J. J. Thornton, judge of the Twenty-fourth Judicial District, for causes therein stated, and the adoption by that body of the accompanying resolution:

To his Excellency, Richard Coke, Governor:

The Senate of the State of Texas, the House of Representatives concurring therein, do address your Excellency, and charge that one J. J. Thornton, district judge of the Twenty-fourth Judicial District, a citizen and resident of the county of Medina, State of Texas, is unfit to hold said office; and we, the Senate and House of Representatives, reserving the right to hereafter prefer additional charges and causes for removal, do request that the said J. J. Thornton be removed from his office as judge aforesaid, for the following reasons:

First, Because he, the said J. J. Thornton, district judge of the Twenty-fourth Judicial District of the State of Texas, by reason of being afflicted, for the last two years, and now, with paralysis, or other disease, producing such physical debility and mental imbecility that he is now, and has been for the two years past, totally unfit and unable, both mentally and physically, to perform the labor and duties necessary and required for the efficient performance of the high functions pertaining to the office of district judge as aforesaid; that by reason of such physical debility and mental imbecility he, the said Thornton, has fallen into a stupor or sleep while sitting on the bench as judge aforesaid, and during the hearing of a cause in the court as aforesaid; and he, the said Thornton, did so fall into a stupor or sleep while on the bench as such judge, during the May term, A. D. 1873, of the district court in and for Uvalde county, State of Texas,

and while the case of Friedlander v. Cornell, the same being on the docket of said court for trial, was on hearing before him as such judge, and in which sleep or stupor he did remain for near two hours. And so the Senate and House of Representatives do say that the said J. J. Thornton, judge of the Twenty-fourth Judicial District, by reason of such physical infirmity and mental imbecility is unfit longer to hold said office.

Second, That the said J. J. Thornton, judge of the Twenty-fourth Judicial District of the State of Texas, has, with a few exceptions, wholly failed and neglected to hold the term of the district court, as required by law, and as it was his duty to do, in the several counties composing the Twenty-fourth Judicial District, as aforesaid, from the months of December, A. D. 1871, to January, A. D. 1874; the particular terms of said court, which the said Thornton, judge as aforesaid, has so failed and neglected to hold will be hereafter specified, and of which due proof will be made. And so the Senate and House of Representatives of the State of Texas do say that the said J. J. Thornton, district judge as aforesaid, by reason of such failure and neglect to perform the duties required of him by law, is not fit to hold office as district judge aforesaid, and should be removed therefrom.

Third, The said J. J. Thornton, district judge of the Twenty-fourth Judicial District of the State of Texas, at the May term of the district court, A. D. 1873, in and for the county of Uvalde, while the petit jury were considering the case of the "The State of Texas v. Victoriano Martinez," the said jury having retired to consider of their verdict in said case, and the said Martinez being charged with a felony, did unlawfully cause to be brought one of the members of the jury aforesaid, to-wit: John Burchfield, away from the said jury and from where the said jury were considering of their verdict, into his room at the hotel, in the town of Uvalde, county and State aforesaid, at a late hour of the night, and did then and there, having the said Burchfield, separate and apart from the jury in the case aforesaid, and he, the said Burchfield, being a member of said jury, and not in open court, did converse, counsel and advise with the said Burchfield in regard to the case then before said jury for their consideration, to-wit: the case of "The State of Texas v. Victoriano Martinez," the same being a criminal case and standing for trial on the docket of the court aforesaid. And so the Senate and House of Representatives do say that by reason of the aforesaid unlawful and improper acts and doings of the said J. J. Thornton, judge of the district court as aforesaid, do say that he is unworthy of the

high office he holds as judge aforesaid, and do request and demand his removal therefrom.

Senator Russell offered the following resolution :

Resolved, That the address of the Senate and House of Representatives of the State, requesting the removal of J. J. Thornton, district judge of the Twenty-fourth Judicial District, be entered upon the journals of both houses of this Legislature, and that said J. J. Thornton, judge as aforesaid, be served with a copy of said address, and that citation issue requiring him, the said Thornton, to appear before the proper committee, within the time required by the rules governing such cases, and show cause, if any he has, why such address should not be adopted ; and that a committee of three from the Senate and five from the House of Representatives be appointed to consider said address and conduct proceedings thereon.

The message also announced the passage by that body of House bill No. 20, repealing "An act to prohibit the sale or giving away of spirituous, vinous, malt and other intoxicating liquors within two miles of certain places therein named," passed May 31, 1873.

The journal of yesterday was read and adopted.

On motion of Mr. Massey, Mr. Smith of Grimes was excused for absence from roll call on the tenth instant.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined the following House bills to-wit: House bill No. 51, "An act to authorize parties in certain cases to sue in the district courts for headright certificates and bounty and donation warrants, and to provide for the issuing of such certificates;" House bill No 78, "An act to amend 'An act to organize courts of justices of the peace, and county courts, and define their jurisdiction and duties,'" approved August 13, 1870; House bill No. 181, "An act to amend section twenty-nine of an act entitled 'An act prescribing the times of holding the district courts in the several judicial districts of the State,'" approved August 10, 1870; and find each correctly engrossed.

L. J. STOREY, Chairman.

Mr. Storey presented the following address to his Excellency Governor Coke, requesting the removal of J. B. Williamson, judge Sixth Judicial District, with accompanying resolution:

To His Excellency Richard Coke, Governor of the State of Texas:

The House of Representatives of the State of Texas, the Senate concurring therein, do

address your Excellency, and state that one J. B. Williamson, who now holds the office of District Judge of the sixth Judicial District, in the State of Texas, composed of the counties of Harrison and Rusk, is unfit to hold said office. And we, the House of Representatives and Senate, do request that the said J. B. Williamson, be removed from said office for the following reasons, reserving the right to add additional causes for his removal:

First. *Incompetency*—in this, that the said J. B. Williamson is not sufficiently learned in the law, and has not the mental capacity to become so learned.

That the said J. B. Williamson, is not sufficiently learned in the practice and the rules of practice of the courts of this State.

That the said J. B. Williamson is unable by reason of his said incompetency, to submit to a jury a general charge of the law, in a case of any complication, and has adopted, as almost an universal practice in civil cases, in the court of the Sixth Judicial District, submitting special issues to be found by the jury, in many cases numbering as high as thirty to forty. And for many other reasons is the said J. B. Williamson incompetent to the office of district judge.

Second. *Neglect of duty*—in this, the said J. B. Williamson does, as a usual thing, hinder and delay the business of the district court in the said Sixth District, and especially of the District Court in the county of Harrison in said district, by convening said court at a late hour; and during the sessions very frequently sitting on the bench for an hour, sometimes for hours, apparently in no wise engaged, doing no business and allowing none to be done, while litigants, witnesses, jurors and attorneys are idly waiting, to the great detriment of the business of the court and the county; and in frequently adjourning the court to a particular time and in not opening the court for hours thereafter. And in refusing to give any information to parties, attorneys or the officers of the court, as to what time the court would be opened, thereby keeping in attendance, in and about the court house, for such indefinite time, parties, jurors, witnesses and attorneys, to the great detriment of the business of the court and the county; and in failing and refusing to call the motion docket or to hear motions, until the last day of the term of the court, during, as in Harrison county, a session of eight weeks; and failing and refusing to give any judgment on motions in said court till the last day of said terms, thereby depriving parties of an opportunity of making proper preparation of cases for appeal; and in withholding judgments on special verdicts returned by juries, for weeks at a time, and until the last day of

the term of the court, thereby depriving parties of the necessary time to prepare cases for appeal, and driving them to the necessity of preparing and filing statements of facts, after the adjournment of the court, a practice prohibited by the statute.

That at the term of the District Court of Harrison county, in the case of Morrison and Woodson v. S. G. Alexander *et al.*, said cause having been tried about the third week of said term, the jury returning a special verdict, under the direction of the court, the said Williamson as judge of said court failed and refused to render a judgment upon said verdict, after repeated applications of plaintiffs' attorneys therefor, the said term of said court remaining in session at least four weeks after the returning of said verdict, rendering it necessary for said plaintiffs to move at a subsequent term of said court for a judgment on said verdict, thereby and by such means, prevented and defeated said plaintiffs from preparing said cause for appeal to the Supreme Court, and rendering it necessary for said plaintiffs to abide the said judgment rendered at the subsequent term of said court to their great damage.

Third. *And for other reasonable causes*—in this, that about the early part of the year 1871, the said J. B. Williamson, then being judge of said district, did with others, establish, own and publish, and caused to be published, a newspaper in the city of Marshall, in said Sixth District, known and called the *Marshall Weekly*. And did cause and procure the said newspaper, to be by Governor E. J. Davis, designated as the official publishing journal for the said Sixth District, under the provisions of the act of the Twelfth Legislature, known as the "printing bill." And the said Williamson, with the said other persons, did accept, receive and publish all the official publications in said district, in said newspaper, for which they, the said owners and managers of said paper, with the full knowledge and approbation of said Williamson, did demand, charge and receive, from twenty-five to two hundred per cent. more than they, by the statute, were authorized to charge and receive.

That at the term of the District Court of Harrison county, one Wm. Mumbdenstock, who was then the proprietor of said newspaper, was indicted by the grand jury of said county of Harrison, for demanding and receiving greater fees for said publications than was authorized by law. And the said Williamson, at the same term of said court, he then being interested in said paper and part owner thereof, dismissed said bills of indictment and discharged said Mumbdenstock from arrest.

That the district attorney of said district, at said term of the court, at which said in-

dictments were found, declined and refused to prepare said bills against the said Mumbdenstock and did refuse to prepare bills against other officers of said county of Harrison and of the said city of Marshall, at the request of the grand jury, and said grand jury procured said bills to be prepared by other attorneys at law. And the said Williamson being informed of such facts, at the next term of said district court, in his charge to the grand jury, instructed them that they could look alone to the district attorney for advice and to prepare bills of indictment, and that if they or any of them sought information and advice and the preparation of bills from any other person, that he would visit upon them fines therefor and imprisonment if necessary. And if any other person or persons offered to render them such assistance that he charged them to report such person to the court, and that for such contempt he would impose upon such person the heaviest fine, thereby seeking to protect and shield the said officials from punishment for crimes and misdemeanors of which they were suspected of having committed, and prevent and hinder any investigation into the official conduct of said officials.

That about the first of June, 1871, the said Williamson did write, prepare and cause to be published in said *Marshall Weekly* a false, bitter and denunciatory article against the people of Marshall and Harrison county, charging them with riot and riotous spirit, and urging upon the authorities the immediate necessity of sending to Marshall a large force of armed State police to preserve peace and quiet there, and to protect him in holding court then in session; and did, with others of his political partisans, by telegraph and otherwise, urge upon Governor E. J. Davis to send at once an armed force of State police to Marshall to preserve peace and order and to protect him in holding the court, falsely representing to the Governor that there was then prevailing there a state of riot. All of which he and his associates then knew to be false.

The said Williamson wrote and caused to be published in said newspaper about the . . . day of 1872, a false and slanderous article of and concerning the arrest of one John Roberts, and with a view and intent to prejudice the public against said Roberts, there being then in the District Court of Harrison county an indictment pending against said Roberts for murder, and upon the trial of which cause at that term of the court, the said Roberts was found not guilty.

That upon the trial of said cause against the said Roberts, Wm. H. Pope, Esq., as attorney for the defendant, in his address to the jury, in urging the jury to try the case upon the law and the facts, and to disregard

any and all outside influences, alluded to the said article in the said newspaper, and the probable effect which the same might have upon their deliberations and conclusions, urging them to guard against such influences and their effects, whereupon and for which reason the said Williamson, then presiding as said judge, fined the said attorney the sum of twenty-five dollars.

That the said Williamson did about the . . . day of 1872, he then being judge as aforesaid, counsel and advise one C. G. Stephens, who was then acting as and pretending to be mayor of the city of Marshall aforesaid, to arrest and imprison one James H. Van Hook, a highly respectable citizen of said city of Marshall and a responsible merchant and manufacturer of said city, for the refusal of said Van Hook, to pay a certain tax imposed by the board of aldermen of said city, and which the said Van Hook claimed to be illegal, and desired to test the same in the courts. But the said Williamson conspiring with the said Stephens and with the malicious intent to extort said tax from said Van Hook, believing the said Van Hook would pay said tax before he would be imprisoned in the county jail for any length of time, informed said Stephens of the day upon which he, the said Williamson would leave said town for the Rusk county District Court, and advised and counseled said Stephens to cause said Van Hook to be arrested upon his departure, and there being no district judge near who would grant the writ of *habeas corpus*; that imprisonment of said Van Hook for at least a day would result; and upon the advice aforesaid, said Stephens acted, and the said Van Hook was imprisoned in the county jail, and to liberate himself did pay said illegal tax.

That at the next term of said district court thereafter, the said Stephens was indicted for the said false imprisonment of said Van Hook, and tried at the same term, was found guilty and fined in the sum of two hundred dollars.

That said Williamson, then presiding in said court, immediately upon the return of said verdict, inquired of defendant's attorneys if they would move for a new trial, and upon being answered affirmatively, he replied, if in common form it was granted; and then, while the motion was being prepared, the same was by the court granted and the defendant discharged on his bail, and soon thereafter fled the country and is now a fugitive from justice.

That the said Williamson did about the . . . term 1871, remove from the office of justice of the peace of precinct No. 3 in said county of Harrison, the same being the precinct of the county seat in said county, H. D. Smith, who was then the presiding justice in said county, without any information or indict-

ment, with the intent, conspiring with other persons and political partisans of the said Williamson, of securing the control of the police court of said county, to his said political partisans, which result then ensued after the removal of said Smith, to the great detriment of the said county of Harrison. Which judgment of removal, was by the Supreme Court reversed and the said Smith restored to his said office.

That the said Williamson as judge of said court did, at the . . . term of said court 1871, of his own motion and without any information or indictment filed, remove Y. T. Perry, from the office of justice of the peace in precinct No. 1 in said county, with the intent then and there to secure to his said political partisans, the full control of said police court. And the said Williamson upon the trial of his said motion against said Perry, offered a series of abusive, insulting and vindictive inquiries, remarks and suggestions, to the said Perry, and utterly ignoring the written defenses filed in answer to said motion, by said Perry, by his attorney, and utterly ignoring and failing to recognize said attorney as the representative of said Perry, required the said Perry to answer orally his said motion. And, thereupon, the said Williamson made his order removing said Perry, in which order many facts, as grounds of removal are recited, which were not urged against said Perry, and which were not made by the writings filed in the case, and concerning which there was no proof offered, or attempted to be offered. Which said grounds were falsely recited in said order, to prevent the same from being reversed by the Supreme Court. And the trial of said motion was had at a time and under such circumstances as to render said Perry unable to prove a bill of exceptions, taken by his said attorney. And the said Williamson, maliciously refused to sign any bill of exceptions, to the great injury of said Perry.

That in the trial of the cause of McKinney v. Andrews, in the District Court of Harrison county, August term, 1873, plaintiff's attorney prepared a charge upon a certain point in the case and asked the court to submit the same to the jury. And the said Williamson, then presiding in said court, interlined said charge, asked by said attorney, intentionally changing the proposition and adversely to the cause of the plaintiff; and so interlined and changed, submitted said charge to the jury over the signature of said attorney, and as a charge asked by said attorney, for the malicious purpose of injuring plaintiff's cause and deposing and injuring the said attorney.

That in the trial of the cause of Dial v. Johnson, in said District Court of Harrison county, at the August term of said court, the attorneys for the parties failed to agree to a

statement of facts, so far as the testimony of Johnston, the defendant, a witness called by the plaintiff, was concerned, which devolved upon said Williamson, as said judge, the duty of making said statement of facts, so far as said witness's evidence was concerned, the plaintiff having called said witness, and, upon direct examination, elicited facts as she desired; and, upon cross examination, by defendant's attorneys, many facts were elicited adversely to plaintiff's cause; and the said Williamson, in making said statement, neglected and refused to show that said adverse testimony was elicited upon cross examination after the matter had been called to his attention by plaintiff's attorney, and fully argued upon by attorneys for both parties, thereby causing it to appear that the whole of said testimony of said witness was elicited by said plaintiff, and thus acting with the malicious intent and purpose to disparage said plaintiff's cause in the Supreme Court, upon appeal, which was then being prepared.

That upon the trial of the case of *The State v. F. M. Boynton*, for assault upon a freedman, tried in the District Court of Rusk county at the . . . term, 187-, the said Williamson caused to be arrested and imprisoned in one of the jury rooms in the court house, a female witness, Lucinda Lowsha, immediately after she had testified for defendant, with the malicious intent of discrediting said witness with the jury and of destroying the force of her testimony, and for the purpose of securing the conviction of said defendant Boynton.

That in the District Court of Rusk county, at the . . . term thereof, upon the trial of *The State of Texas v.*, charged with simple felony, the cause was submitted to the jury upon the charge of the court, who retired to consider of their verdict, and were out until about 11 o'clock at night, when they desired to return into court their verdict. N. G. Bagley, who was one of the attorneys in the defense of said cause, in the meantime, after night, gone home to his residence, about three-quarters of a mile from the court, and upon the coming in of said jury, the said Williamson required the said Bagley to be called into court, and the said Bagley not hearing said call and not appearing in court, the said Williamson fined the said Bagley twenty-five dollars, with the intent to vex and harass the said Bagley and to gratify the malice of said Williamson.

That the said J. B. Williamson, as judge of the said district, in utter disregard of his official duties and of the interests of the State of Texas, and with the intent of promoting his political partisans, did approve the bond of S. H. Russell, sheriff of

Harrison county, given by the said Russell as collector of the State taxes in the said county of Harrison, dated November 19, 1872, for the sum of thirty-five thousand dollars, with J. W. Flanagan, A. D. Tinsley, Robert W. Flanagan, J. W. Flanagan, jr., and William Mumbdenstock as sureties, which sureties on said bond were, at the date of the execution and approval, wholly insolvent, and which insolvency of said sureties was well and fully known to the said Williamson, at and long before the date of said approval.

For these and many other reasonable grounds, not herein specified, should the said Williamson be removed from office.

Resolved, That this address be entered upon the journals of both Houses of this Legislature, and that the said J. B. Williamson, judge of said Sixth Judicial District, and who resides in the county of Harrison in said district, be notified to appear on the twenty-first day of February, 1874, and make his defense to the causes set out in this address.

The resolution was adopted, and the Speaker appointed the following committee under the resolution: Messrs. Goodwin chairman, Rainey, Anderson, Denman and Cochran.

The Speaker announced the following House committee to co-operate with the Senate committee in considering the address for removal of J. J. Thornton, judge of Twenty-fourth Judicial District: Messrs. Storey chairman, Lawhon, McLeary, Swain and O'Neal.

Mr. Harris presented a petition from Wm. Little, requesting re-imbursement for moneys advanced in surveying the islands along the Texas coast. Read and referred to the Committee on Public Lands and Land Office.

The special order, House bill No. 128, "to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans, or other marauding or thieving parties," was announced, taken up and read.

On motion of Mr. Sayers, the House proceeded to consider the bill by sections.

Mr. Epperson moved to amend section one by striking out of line nine the words, "is hereby required, and shall," and inserting in lieu thereof "may." Lost.

Mr. Johnson moved to amend section one by striking out all after the word "done" in line ten, and inserting in lieu thereof the following: "ten companies of not less than sixty nor more than eighty men, from any part of the State."

On motion of Mr. Sayers, the amendment was laid on the table.

Mr. Simpson moved to amend section one by striking out all after the word "done" in line ten, and inserting in lieu thereof

"one hundred companies of not less than seventy-five nor more than one hundred and fifty men from the State at large."

Mr. McLeary moved to lay the amendment on the table. Carried.

Mr. Sayers moved to amend section one by striking out of line five, the words "or thieving." Lost.

The section was then adopted.

Section two was read and adopted.

Section three was read and adopted.

Mr. McLeary moved to amend section four by inserting after the word "first," in lines three and five, the word "lieutenant." Carried.

The section thus amended was adopted.

Mr. O'Neal moved to strike out section five, and substitute the following in lieu thereof:

Section 5. The Governor shall be authorized to appoint a special agent or agents, who shall give bond and security for the faithful discharge of their duties, which said agents shall be authorized to purchase all necessary pack mules to furnish each company for transportation purposes, purchase all necessary supplies, to be delivered by contractors at the places designated by the commanding officers of companies, and all accounts and certificates of such agents shall be examined and allowed by commanding officers of companies before the same shall become binding as a claim against the State.

On motion of Mr. Sayers, the amendment was laid on the table.

Mr. McLeary moved to amend section five by inserting, in line six, after the word "purchase," the words "stating the amount, kind, quality and price of articles purchased." The amendment was adopted.

Section five was then adopted.

Section six was read and adopted.

Mr. Sayers offered the following amendment: Amend by striking out all after the word "act," in line three, down to and inclusive of the word "annum" in line five, and insert in lieu thereof the words "who shall have the rank and pay of captain under the provisions of this act."

Mr. Pickett moved to amend the amendment so as to require the State to furnish said paymaster with traveling expenses, rations, ambulance, guard and other perquisites.

Mr. Bean moved to lay the amendments on the table.

Mr. McLeary called for a division of the question.

The amendment to the amendment was then tabled. The amendment was laid on the table.

Mr. Lawhon offered the following substitute for section seven: That the commissioned officer of each company shall designate one of their number to act as paymaster for the company, which said officer so

designated shall be required to give bond payable to the State of Texas, to be approved by the Governor in double the amount necessary for the payment of the troops and expenses of said company, and said officer shall not receive any extra pay for said services. Lost.

Mr. Johnson offered the following amendment to section seven: Strike out all after the word "act," in line three, and insert in lieu thereof the following, "who shall rank as captain, and receive a salary of one hundred and forty dollars per month." Adopted.

On motion of Mr. Johnson, the vote adopting the amendment was reconsidered.

Mr. McLeary moved, as a substitute for the amendment, to strike out all between the word "act" in line three, and the word "whose" in line five, and to insert in lieu thereof, "who shall rank as captain, and receive a salary of one hundred and forty dollars per month." The substitute was adopted.

Section seven was then adopted.

Mr. Goodwin moved to amend section eight by inserting in line seven, after the word "bond," the following, "in the sum of twenty thousand dollars."

Mr. Simpson moved to amend the amendment by striking out "twenty thousand" and inserting in lieu thereof "one hundred thousand." Lost.

Mr. Triplett offered the following substitute for the pending amendment: After the word "surety," in line eight, insert "in double the estimated amount to be drawn for any one quarter." Adopted.

Mr. Triplett moved to amend further by adding to line ten "and a new bond may be required at any time." Adopted.

Section eight was then adopted.

Mr. McLeary moved to amend section nine by inserting in line thirteen after the word "thereof" "upon an affidavit made to that effect by the owner of the horse, and any member of his company." Adopted.

Section nine was then adopted.

Section ten was adopted.

Section eleven was adopted.

Section twelve was adopted.

Mr. Lawhon moved to amend section thirteen by inserting in line two, after the word "officers" the words "of the same grade." Adopted.

The section was then adopted.

Section fourteen was adopted.

Section fifteen was adopted.

Mr. Stephens offered the following substitute for section sixteen:

The pay of officers and privates shall be as follows: For captains seventy-five dollars, for lieutenants fifty dollars, for sergeants forty dollars each, and for all non-commissioned officers thirty-five dollars each and privates thirty dollars each per month.

Mr. Kessler moved to lay the substitute on the table. Lost.

Mr. Stephens asked leave to withdraw his substitute. The House refused.

The substitute was then adopted.

Mr. Simpson offered the following amendment: After the word "each," last line, insert "for every month of actual service." Adopted.

Mr. McLeary offered the following substitute for section sixteen: "The pay of officers and privates shall be as follows: For captains one hundred dollars, for first lieutenants ninety dollars, second lieutenants eighty dollars, for first sergeants seventy-five dollars, all other non-commissioned officers seventy dollars each, and privates sixty dollars each per month for every month of actual service."

On motion of Mr. Chambliss, the substitute was laid on the table.

The section was then adopted.

Section seventeen was adopted.

Section eighteen was adopted.

Mr. Simpson moved to amend section nineteen by substituting for "Governor," "Adjutant General." Adopted.

Section nineteen was adopted.

Mr. Simpson moved to amend by inserting the following section to follow section nineteen:

Section 20. Whenever any company organized under this act shall be disbanded, all arms in the possession of said company, furnished by the State, shall be returned to the Adjutant General, who shall cause the cost price thereof to be refunded to the parties in possession of said arms. Provided, the said arms are in good condition.

The House refused to adopt the section.

Section twenty was adopted.

Section twenty-one was adopted.

Mr. Cochran moved to amend by adding to section eleven the following: And should any county not organized require a company under the provisions of this act, then the presiding justice of the county to which said unorganized county is attached for judicial purposes shall organize and muster into service the company of such unorganized county in the same way and manner as prescribed by this section for the company of his own county. The amendment was adopted.

Mr. Kessler moved to amend section one by adding: Provided, the whole number of men shall not exceed seven hundred and fifty at any one time. Adopted.

Mr. Sayers moved to amend section three by striking out of line five the word "four," and inserting in lieu thereof "three." Adopted.

Mr. Stephens moved to amend by adding to section one: Provided further, that the entire amount of money used to carry out

the provisions of this act shall not exceed seven hundred and fifty thousand dollars per annum. Lost.

Mr. Moody moved to recommit the bill to Judiciary Committee No. 1.

Mr. Kessler moved to lay that motion on the table. Carried.

The bill was then ordered engrossed by the following vote:

Yeas—Mr. Speaker, Anderson, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, DeMorse, Donald, Douglass, Easley, Edwards, Epperson, Foote, Galvan, Gellatly, German, Goodwin, Hart, Hayes, Helton, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Massey, McLeary, Meissner, Middleton, Murphy, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Smith of Travis, Smith of Houston, Smith of Grimes, Stephens, Storey, Swain, Triplett, and Von Biberstein—60.

Nays—Messrs. Abner, Brown of Harrison, Denman, Eastland, Freeman, Harris, Harrison, Henderson of Smith, McCuiston, Mitchell, Moody, Patterson, Rainey, Simpson, Walker, Watson and Wortham—17.

A message from the Senate announced the adoption by that body of the House concurrent resolution prescribing rules of procedure in cases of removal of judges or other officers on address; and that Senators Ireland, Wood and Erath had been appointed a committee on the part of the Senate to co-operate with the House committee upon the address asking the removal of J. B. Williamson, judge of Sixth Judicial District.

Report from Committee on Enrolled Bills: Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 98, entitled "An act to amend an act entitled 'An act prescribing the time of holding the district courts in Kaufman and Rockwall counties, in the Tenth Judicial District,'" approved May 27, 1873, and find the same correctly enrolled, and presented the same to the Governor for his approval this day at 11 o'clock A. M.

E. D. LINN, Chairman.

Leave being granted, Mr. Sayers offered the following resolution:

Resolved by the House of Representatives, That a special committee of three be appointed to confer with a like committee on the part of the Senate, whose duty it shall be to take into consideration the financial condition of the State, and to report by bill or otherwise, some plan for the relief of the same, which committee shall have the privilege of a continuous sitting and be wholly excused from attendance on their

respective bodies, and from the duties connected therewith, until such bill is reported by them.

Adopted.

Mr. Wortham, by leave, introduced a joint resolution authorizing the Treasurer to employ two additional clerks in his office. Read and referred to the Committee on Finance.

By leave, Mr. Smith of Grimes, introduced a bill for the relief of certain citizens of Walker county. Read and referred to Judiciary Committee No. 2.

By leave, Mr. Goodwin introduced a bill making appropriation to complete the buildings of the Agricultural and Mechanical College of Texas, read and referred to the Committee on Education.

On motion of Mr. Roberts the House adjourned to to-morrow 10 A. M.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 13, 1874. }

House met. Roll called; quorum present. Prayer by Rev. Mr. Gend.

The journal of yesterday was read and adopted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 128, "An act to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans, or other marauding or thieving parties," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Von Biberstein presented a memorial from certain justices of the peace of Washington county, asking relief in the matter of the assessment and collection of taxes under the present law. Referred to Judiciary Committee No. 1.

Mr. Epperson presented a petition of G. W. Davis for relief. Referred to Committee on Claims and Accounts.

The Speaker announced the following committee on the part of the House under the resolution adopted yesterday providing for the raising of a joint special committee to consider the subject of State finances: Messrs. Moody chairman, Epperson and Delany.

The special order was announced, being the majority and minority reports submitted by the members of the Committee on Constitutional Amendments, and House joint resolution No. 11, calling for a Constitutional Convention.

Mr. Rainey moved to receive the report

submitted by the majority of the committee. Carried.

The bill submitted in said report being House bill No. 188, to provide for drafting a new Constitution, and for submitting the same to a vote of the people, was read.

Mr. Rainey offered House joint resolution No. 11, "calling for a Constitutional Convention," as a substitute for the pending bill.

Pending the discussion a message from the Senate announced the passage by that body of Senate joint resolution No. 118, instructing the Attorney General to bring suit against James Davidson, late Adjutant General, and to prevent the sale of property in this State held in his name until the termination of said suits. Also, of the adoption of a joint resolution, dividing the rooms in the Capitol between the two branches of the Legislature for the use of committees.

The morning having been occupied in discussion, on motion of Mr. Epperson the House adjourned to 7:30 P. M.

EVENING SESSION.

House met. Roll called; quorum present.

The pending question was House joint resolution No. 11, calling for a constitutional convention, offered by Mr. Rainey as a substitute for House bill No. 188, to provide for drafting a new Constitution, and for submitting the same to a vote of the people.

On motion of Mr. Epperson, the House adjourned to 10 o'clock A. M. to-morrow.

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 14, 1874. }

House met. Roll called; quorum present.

Prayer by the chaplain.

Absent—Messrs. Barziza, Fairar, Rainey and Smith of Houston.

A message from the Senate announced the concurrence by that body in the House amendments to the Senate concurrent resolution returning the thanks of the Legislature to President U. S. Grant for upholding the right of local self-government in Texas.

The journal of yesterday was read and adopted.

Report from Committee on Enrolled Bills: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 20, entitled "An act repealing an act entitled 'An act to prohibit the

sale or giving away of spirituous, vinous, malt and other intoxicating liquors within two miles of certain places therein named," approved May 31, A. D. 1873, and find the same correctly enrolled, and presented the same to the Governor for his approval this day at 11 o'clock A. M.

E. D. LINN, Chairman.

Mr. Nicholson presented a petition from citizens of Fannin county, asking the passage of a law similar to the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Jenkins presented a memorial from W. H. Moore, asking relief. Referred to Committee on Claims and Accounts.

Mr. Nicholson presented a petition from citizens of Fannin county, asking the incorporation of Ladonia male and female school, and the prohibition of sale of liquors within three miles of the same. Referred to Judiciary Committee No. 2.

Mr. Eastland presented a petition from citizens of Anderson county, asking the passage of a law prohibiting fire hunting. Referred to the Committee on State Affairs.

Mr. Smith of Grimes presented a memorial of citizens of Grimes county relative to charges for freight by the Houston and Texas Central Railway. Read and referred to the special committee to investigate the management of the Houston and Texas Central Railway Company.

(Mr. Reeves in the chair.)

Report from Committee on Agriculture and Stockraising:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Agriculture and Stockraising beg leave to return House bill No. 16, "An act to encourage stockraising, and for the protection of stockraisers," with sundry amendments, and recommend that the bill as amended do pass.

W. G. MILLER, Chairman.

Amend section one by striking out after the word "animal," in line six, to and including the word "Texas," in eighth line and insert in lieu thereof the words "shall be elected by the legal voters in such counties at the next general election, and every two years thereafter, unless otherwise provided by law." Strike out all after the word "provided," in eighth line, and insert in lieu thereof the words "that whenever a vacancy exists in the office of inspector of hides and animals, the sheriff and his deputies shall be *ex officio* inspectors of hides and animals in their respective counties during such vacancy.

Strike out all of section two.

Amend section six by striking out all of lines one and two and inserting "the county court of each county shall provide the necessary books and a seal of office."

Amend section eight by inserting after the word "the" in eighth line, the words

"person proved to be the." Also, strike out the word "animal" in eighth line, and insert the words "hides or animals."

Amend section nine by striking out the word "sequester" in second line and insert the words, "cause to be sequestered." Insert between tenth and eleventh lines the words "person proved to be the."

Amend section ten by striking out the word "sequester" in line two, and insert the words "cause to be sequestered." Insert after the word "and" in ninth line, the words "in the event of the condemnation by a court of competent jurisdiction of such animals or hides." Strike out the last two words in twelfth line, and all of thirteenth line; also, the word "net" in fifteenth line.

Amend section eleven by inserting between the words "animals" and "said" in sixteenth line, the following, "and shall also procure a certificate from the district clerk of said county that the marks and brands so described in said bill of sale are the marks and brands recorded in his office as the marks and brands of the party selling the same."

Strike out all of section seventeen.

Amend section eighteen by striking out all after the word "inspector" in sixth line, down to and including the word "peace" in ninth line, and insert the words "or deputy inspector."

Amend section nineteen by striking out all of line one, and up to and including the word "and," in line two. After the word "inspectors," in line two, insert "and their deputies." Strike out all after the word "allowed," in line six, and all of line seven, and insert the words "in other cases as hereinafter provided."

Amend section twenty-two by inserting after the word "brand," in fourth line, the following: "which shall be duly recorded, designated on what part of the animal said brand shall be placed." Insert in line six, after the word "him," the word "lawfully." In seventh line strike out the words "by purchase." In eighth line, strike out "properly acknowledged," and insert "duly authenticated." Also, strike out the word "such," before the word "purchase," in eleventh line.

Amend section twenty-four by adding, "Provided such applicant shall have previously had such brand and mark recorded in some other county, and shall have a certificate from the clerk of the county where said brand had been recorded, and if said certificate shall state that said brand and mark had been recorded in said county at some time anterior to the time of the registration of the similar mark and brand in the county in which the said applicant may desire to have his brand recorded, in which event said brand shall be recorded and the

clerk shall make a minute setting forth said facts."

Amend section twenty-five, by inserting after the word "animal," in sixth line, the words "or hide," and in ninth line after "animal," insert "or hide." Strike out the balance of said section after the word "inspected," in thirteenth line.

Amend section twenty-eight, by striking out the two last words in line ten and all of line eleven.

Amend section thirty, by adding the words "and shall be allowed to collect fifty cents for every acknowledgment so taken."

Amend section thirty-six by inserting in fourth line, after the word "importation," the words "and inspections."

Amend section thirty-seven by striking out the last three words in line two, and inserting after the word "without," the words "the same having been."

Amend section thirty-eight by striking out the last word in line eight, and first word in line nine, and insert "twenty," and strike out the word "five," in line nine, and insert "one hundred."

Amend section thirty-nine by inserting between second and third lines the words "the written authority of the owner thereof duly authenticated as the law requires, and without". Strike out the words "having had" where they occur in line three, and insert after the word "first" the word "having." Also strike out the words "one dollar," in line six, and insert in lieu thereof the word "twenty." Strike out the word "five," in same line, and insert "one hundred."

Amend section forty by inserting after the word "any" in line two, the words "animals or." In seventh line strike out "one dollar" and insert "twenty," and the word "five" and insert "one hundred." In eighth line, after the word "each," insert "animals or."

Amend section forty-one by striking out the word "misdemeanor" in fifth line, and insert in lieu thereof the words "a felony." Strike out all the balance of said section after the word "be" in fifth line, and insert "confined in the penitentiary not less than one nor more than five years."

Amend section forty-two by striking out in line three the words "in any county;" and adding at the end of line seven the words "for each animal so branded or marked."

Amend section forty-three, by striking out the word "ten," in fifth line, and insert "twenty-five." Strike out the word "fifty," in sixth line, and insert "one hundred." Add to the section the words "for each animal so branded or marked."

Amend section forty-two, by inserting "any person or persons who shall brand or

mark any animal except in an enclosure, shall be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than ten nor more than fifty dollars for each animal so branded or marked."

Section forty-three. Any person who shall brand any animal by running or dotting on the brand, shall be deemed guilty of a misdemeanor, and on conviction before a court of competent jurisdiction, shall be fined in any sum not less than ten nor more than fifty dollars.

Section forty-four. No clerk shall record any brand unless the person having the same recorded shall designate the part of the animal upon which the same is to be placed as required by section sixteen of this act, and any clerk violating this section shall be deemed guilty of a misdemeanor, and on conviction thereof by a court of competent jurisdiction, shall be fined not less than ten nor more than fifty dollars.

Section forty-five. That this act shall not apply to and be in force in the counties of

Section forty-six. That the numbers of sections from three to sixteen inclusive, in the printed bill, shall be decreased one, and from eighteen to forty-three inclusive, shall be decreased two, and section forty-four and forty-five in the printed bill shall be increased by two.

The report was adopted, and, on motion of Mr. Storey, the bill was made special order for Monday, February 16, 10:30 A. M.

On motion of Mr. Rainey, Mr. Smith of Houston was excused on account of sickness.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 62, entitled "An act to provide for testing and purchasing J. Andrew's and J. G. Garriett's patent right improvement in insect destroying," after examination return same and ask that it do not pass.

W. G. MILLER, Chairman.

The report was adopted and the bill indefinitely postponed.

(Mr. Speaker in the chair.)

Report from Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 89, have had the same under consideration, and a majority of the committee instruct me to return the same back and recommend its passage, with the following amendment: In the eleventh line, section one, after the word "west," insert "from the public square."

BROWN of Gregg, Chairman.

The bill being House bill No. 89, "to adjust and define the western boundary line of San Jacinto county," was read.

Mr. Smith of Grimes, on behalf of Mr. Stewart of Montgomery, absent on business of the House, moved that the further consideration of the bill and report be postponed until the return of that gentleman. Carried.

Further report from same committee:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 179, "To create and organize the county of Lee," have had the same under consideration, and the committee instruct me to report the bill back and recommend that the same do pass with the following amendments: Commencing with the twenty-first line in section first, and to read as follows: Thence to the northeast corner of the Aaron Cullin league; thence with the east line of said survey, continuing on a direct line to the southwest corner of the David G. Green survey, in Fayette county, including twenty-first line, and down to the last word in line twenty-fourth, and commencing with the first of line twenty-nine, in first section, and ending at the last word in line thirty-three, and reads as follows. Thence up the east Yegua and up said Yegua to the Milam and Burleson county line.

BROWN of Gregg, Chairman.

The bill having been read, the report was adopted and the bill ordered engrossed.

Mr. Rainey moved to suspend the rules and take up Senate joint resolution No. 151, setting apart certain rooms in the capitol building for the use of the Senate and House of Representatives. Carried.

Mr. Rainey moved to amend by inserting after the word "rooms" in line two the words "and their contents which belong to the State," and after the word "building" in line nine insert the words "with their contents which belong to the State."

The amendments were adopted.

Mr. Rainey moved to amend by adding the following:

Section 2. That this joint resolution take effect from and after its passage.

The amendment was adopted.

The joint resolution was then read second time under suspension of the rule and passed to third reading.

On motion of Mr. Rainey the rules were further suspended, the joint resolution read third time and passed.

Further report from Committee on Counties and County Boundaries.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 43, a bill to be entitled "An act to change a portion of the western boundary line of San Patricio county," instruct me to

report the bill back and recommend that it do pass.

BROWN of Gregg, Chairman.

On motion of Mr. Murphy, the bill was recommitted.

Report from Committee on Towns and City Corporations:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Towns and City Corporations, to whom was referred House bill No. 41, entitled "An act to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns," have had the same under consideration and the committee instruct me to report said bill back with the amendment accompanying the same, and recommend its passage.

JAMES B. SIMPSON, Chairman.

Amendment by the committee: Add to the end of section —, "Provided, That this act shall not apply to any town or city with a population of less than two thousand inhabitants."

The bill having been read second time, the report was adopted and bill ordered engrossed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Towns and City Corporations, to whom was referred the petition of the citizens of the town of Harrisburg, in Harris county, asking for a dissolution of their corporation, have had the same under consideration, and instruct me to report said petition back and ask its reference to Judiciary Committee No. 1, as there are questions of law as to the manner in which said corporation may be dissolved, and as to the legal effect of said dissolution upon the creditors of said corporation, which this committee do not feel that they are called upon to entertain.

JAMES B. SIMPSON, Chairman.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Towns and City Corporations, to whom was referred House bill No. 72, "An act to amend section six of an act entitled 'An act to incorporate the city of New Braunfels,' approved May 11, 1846; and 'An act supplementary to an act entitled 'An act to incorporate the city of New Braunfels,' approved May 11, 1846, have carefully considered said bill, and instruct me to report the same back, and to recommend its passage.

JAMES B. SIMPSON, Chairman.

The bill was read second time, report adopted and bill ordered engrossed.

Further report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Towns and City Corporations, to whom was referred the petition of the county court and citizens of Collin county, asking that the act authorizing them to levy a special tax for the erection of a court house and jail in said county be amended, have had said petition under consideration, and instruct me to report back the accompanying amendment to the act authorizing said county to levy a special tax, and recommend its passage.

JAMES B. SIMPSON, Chairman.

The bill reported by the committee being House bill No. 189, to amend section one of "An act to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail in said county," was read and report adopted.

Mr. McLeary moved to postpone the further consideration of the bill until Saturday, February 21, at 11 A. M., and make it special order for that hour. Carried.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee on Towns and City Corporations, to whom was referred House bill No. 122, entitled "An act to provide for the incorporation of towns and cities," have had the same under consideration and instruct me to report said bill back and recommend its passage.

JAMES B. SIMPSON, Chairman.

The bill was read second time, and on motion of Mr. Cochran was recommitted to Judiciary Committee No. 2.

Reports from Committee on Agriculture and Stockraising:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 114, entitled "An act to amend article 761 of 'An act to adopt and establish a Penal Code for the State of Texas,'" approved August 26, 1856, have had the same under consideration, and return it to the House, recommending that it do not pass.

W. G. MILLER, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Agriculture and Stockraising beg leave to report that they have had under consideration House bill No. 140, entitled "An act to punish the taking or destruction of certain products of the farm, garden, vineyards and orchards of this State," and recommend that the same do pass.

MILLER, Chairman.

The bill was read second time, report adopted and bill ordered engrossed.

Report from special committee to re-apportion the State into congressional districts:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your special committee appointed on the part of the House to confer with a like committee on the part of the Senate, have met the Senate committee in joint session, and, after mature deliberation on the geographical situation, population, and commercial and local interests of the several sections of our State, beg leave to report the accompanying bill as the best solution at which the joint committee could arrive of this very difficult and delicate question.

Respectfully submitted.

J. H. McLEARY, Chairman.

The bill being House bill No. 190, "To reapportion the State of Texas into Congressional districts," was read.

On motion of Mr. Storey, the bill was postponed to Monday, February 23, at 11 A. M., made special order for that hour, and one hundred and twenty copies ordered printed.

Mr. O'Neal made the point of order that House bill No. 11, "To regulate landlords and tenants," pending which the House adjourned on Wednesday last, was next in order.

The Speaker ruled the point not well taken.

Mr. Meissner introduced a bill to amend section three of "An act to regulate the assessment and collection of taxes," approved May 31, 1873, referred to Judiciary Committee No. 2.

Mr. Moody offered the following resolution:

Resolved, That when the House of Representatives adjourns on Monday the sixteenth instant, that it adjourn to meet again at 10 o'clock Thursday following; provided no *per diem* shall be paid for Tuesday and Wednesday.

Mr. Watson moved to lay the resolution on the table, which carried by the following vote:

Yeas—Messrs. Anderson, Ballard, Bean, Cain, Chambliss, Bruce, Donald, Douglass, Easley, Eastland, Edwards, Freeman, Galvan, German, Goodwin, Harrison, Hart, Jackman, Jenkins, Johnson, Kemble, Lea, Lindsey, Linn, Matthews, Mitchell, Meissner, Middleton, Miller, Nicholson, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Sadler, Sayers, Scott, Smith of Travis, Stephens, Storey, Swain, Walker, Watson, and Wortham—46.

Nays—Mr. Speaker, Abnar, Brown of Gregg, Brown of San Saba, Cochran, Delany, DeMorse, Epperson, Foote, Gellatly, Harris, Hayes, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Massey, McCuiston, McLeary, Moody, O'Neal, Ox-

sheer, Patrick, Roberts, Schmidt, Simpson, Smith of Grimes, Triplett and Von Biberstein—29.

Mr. McLeary introduced a bill to enlarge and define the boundaries of Bandera county. Referred to Committee on Counties and County Boundaries.

Mr. Storey introduced a bill for the relief of the heirs of Stanford Lindsey, deceased. Referred to the Committee on Private Land Claims.

Mr. Storey introduced a bill to encourage the irrigation of lands in this State. Read and referred to the Committee on Agriculture and Stockraising.

Mr. Anderson introduced a bill to amend section five of "An act to regulate the practice of medicine," passed May 16, 1873. Referred to Judiciary Committee No. 2.

Mr. Swain introduced a bill to provide for the employment of convicts for misdemeanors and petty offenses. Read and referred to Judiciary Committee No. 2.

Mr. Smith of Travis introduced a bill to amend section one of "An act entitled 'An act regulating elections,'" approved March 31, 1873. Read and referred to the Committee on Privileges and elections.

Mr. Brown of Gregg introduced a bill making an appropriation to buy postage stamps for the Superintendent of Public Instructions. Read and referred to the Committee on Asylums.

Mr. Chambliss offered the following resolution:

Resolved, That the standing Committee on Asylums be authorized to employ two clerks to aid in the duties of said committee, and that said clerks shall receive the same pay as other clerks of the House for the time for which they are employed.

Mr. Sayers moved to strike out "two" and insert "one." Lost.

The resolution was then adopted.

Mr. Galvan introduced a bill "to organize Benton county." Read and referred to the Committee on Counties and County Boundaries.

Mr. Rogers introduced a bill "for the relief of the heirs of Placide Teel." Read and referred to the Committee on Private Land Claims.

Mr. Smith of Grimes, introduced a bill "requiring all persons who have not recorded their titles, mortgages, liens, and other color of title to lands and town lots in the counties in which the same are now situated, to make due record thereof in the proper county, within twelve months from the time this act takes effect." Read by caption and referred to Judicial Committee No. 2.

By leave, Mr. Rainey submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Education to whom

was referred House bill No. 142, "An act to validate the scholastic census returns taken before the first of April, 1874, report the same back with substitute and recommend the passage of the latter." The committee also had under consideration "House bill No. 168," and report it back recommending its passage. Respectfully,

RAINEY, Chairman.

The substitute being House bill No. 142, to be entitled "An act to provide the immediate apportionment of the school fund which should have been apportioned in December, 1873, was read, adopted and ordered engrossed.

(Mr. Pickett in the chair.)

House bill No. 168, to authorize incorporated cities to establish and manage free libraries, was read second time and ordered engrossed.

Mr. McLeary offered the following amendment: After the word "authorized" insert "to endow libraries already established, or which may hereafter be established and." Adopted.

On motion of Mr. Bryan, the rules were suspended, the bill read third time and passed.

Mr. Moody introduced a bill "to appropriate fifteen hundred dollars to buy books, stationery and postage stamps, and pay for telegraphing, for the office of Adjutant General." Read and referred to the Committee on Finance.

Mr. Moody introduced a joint resolution "authorizing the Adjutant General to employ two additional clerks." Read and referred to the Committee on Finance.

Mr. Brown of San Saba, introduced a bill "to create the county of Coke," Read and referred to the Committee on Counties and County Boundaries.

A message from the Senate announced the concurrence by that body in the House amendments to Senate joint resolution No. 151, "setting apart certain rooms in the capitol building for the use of the Senate and House of Representatives."

Mr. Linn introduced a bill to increase the area and to better define the boundary line of Aransas county. Read and referred to the Committee on Counties and County Boundaries.

Mr. Rogers introduced a bill for the relief of the heirs of John W. Kinney. Read and referred to the Committee on Private Land Claims.

Mr. Watson introduced a joint resolution relative to granting State aid to railway companies. Read and referred to the Committee on Internal Improvements.

Mr. Storey introduced a bill to protect fish in the inland streams and waters of the State of Texas during the spawning season. Read and referred to Judiciary Committee No. 2.

On motion of Mr. McLeary, Mr. Murphy was added to the Committee on Counties and County Boundaries.

Mr. Kemble introduced a bill for the benefit of C. R. Gibson, district clerk of Ellis county, State of Texas. Read and referred to the Committee on Claims and Accounts.

Leave being granted, Judiciary Committee No. 1 submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 75, to be entitled "An act to regulate fire, marine, life and health insurance companies," have had the same under consideration, and have instructed me to return said bill to the House and to recommend its reference to the Committee on State Affairs.

JOHN W. HARRIS, Chairman.

Mr. Simpson asked leave to withdraw the bill that it might be substituted by another, which was granted.

On motion of Mr. Brown of Harrison, the House adjourned to 10 A. M., Monday.

TWENTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 16, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Bean, Brown of San Saba, Denman, Rainey, Sayers, Schmidt and Smith of Houston.

On motion of Mr. Reeves, Mr. Bean was excused on account of sickness.

On motion of Mr. Meissner, Messrs. Brown of San Saba and Schmidt were excused on account of sickness.

On motion of Mr. Linn, Messrs. Denman and Smith of Houston were excused on account of sickness, and Mr. Rainey on account of being in attendance on his colleague, Mr. Smith of Houston.

On motion of Mr. Storey, Mr. Sayers was excused on account of important business.

The journal of yesterday was read, corrected and adopted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined the following House bills, to-wit: House bill No. 41, "An act to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns;" House bill No. 72, "An act amendatory of, and supplemental to an act entitled 'An act to incorporate the city of New Braunfels,'" approved May 11, 1846; House bill No. 142, "An act to pro-

vide for the apportionment of the school fund, which should have been apportioned in December, 1872;" House bill No. 140, "An act to punish the taking and destruction of certain products of the farm, garden, vineyards and orchards of this State;" House bill No. 168, "An act to authorize incorporated cities to establish and manage free libraries," and also House bill No. 179, "An act to create the county of Lee," and find each correctly engrossed.

L. J. STOREY, Chairman.

Mr. Lea moved to adjourn to 10 A. M., Thursday, February 19. Lost, by the following vote:

Yeas—Mr. Speaker, Anderson, Chambliss, Delany, DeMorse, Easley, Epperson, Galvan, Harris, Hayes, Jackman, Kessler, Lawhon, Lea, Massey, McCuiston, Moody, Patrick, Scott, Simpson and Walker—21

Nays—Messrs. Abnar, Ballard, Barziza, Beck, Brown of Harrison, Bruce, Cain, Cochran, Donald, Douglass, Eastland, Edwards, Foote, Freeman, Gellatly, German, Goodwin, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Lindsey, Linn, Matthews, Mitchell, McLeary, Meissner, Middleton, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Watson and Wortham—54.

Mr. Kessler offered the following resolution:

Resolved, That this House do now adjourn until Thursday next, 10 A. M., and that no member or employee of the House shall receive any *per diem* during such adjournment.

On motion of Mr. Storey, the resolution was laid on the table.

Mr. Walker offered the following concurrent resolution:

Resolved, That, with the concurrence of the Senate the House stands adjourned until Wednesday, twenty-fifth inst., at 10 A. M.; *provided*, the special committees appointed upon addressing judges and the special committees on impeachment be authorized to remain in session to take testimony in the cases referred to them.

Mr. Jenkins offered the following amendment: *Provided further*, that no member or officer of either body shall receive mileage or *per diem* during adjournment.

Mr. Goodwin moved to lay the resolution and amendment on the table, which carried by the following vote:

Yeas—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Bruce, Cain, Delany, Douglass, Easley, Eastland, Edwards, Foote, Freeman, Galvan, German, Goodwin, Harris, Hart, Helton, Henderson of Smith, Henderson of

Kendall, Jackman, Kemble, Lawhon, Lindsey, Linn, Matthews, McCuiston, Mitchell, Meissner, Miller, Murphy, O'Neal, Patrick, Patterson, Rogers, Rosborough, Roberts, Sadler, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Watson and Wortham—51.

Nays—Messrs. Chambliss, Cochran, DeMorse, Donald, Epperson, Gellatly, Harrison, Jenkins, Johnson, Kessler, Lea, Massey, McLeary, Middleton, Moody, Nicholson, Oxsheer, Pickett, Price, Reeves, Simpson, Von Biberstein and Walker—23.

By way of personal explanation, Mr. Moody stated that on Saturday evening, a number of the members of the House expressed themselves in favor of reconsidering the vote tabling the resolution to adjourn until Thursday, nineteenth inst. The matter was canvassed pretty thoroughly and a list of fifty names were shown him as the names of those who had promised to vote for such reconsideration on Monday, acting on this assurance, he had spoken to Mr. Baker, vice president of the Houston and Texas Central Railway, who by telegraph arranged to have a special train ready at 11 A. M. to-day. He had informed Mr. Baker that the House might not adjourn, but he thought gentlemen would act up to their promises. He discovered this morning some had not done so, and he felt compelled to make this personal explanation.

The special order, being House bill No. 16, to encourage stockraising, and for the protection of stockraisers, with amendments by the Committee on Agriculture and Stockraising, was taken up.

On motion of Mr. Nicholson, the special order was temporarily postponed.

Mr. Nicholson then moved to reconsider the vote tabling the resolution offered on Saturday to adjourn to Thursday, 10 A. M.

Mr. Goodwin moved to lay the motion on the table. Lost.

The House refused to reconsider by the following vote:

Yeas—Messrs. Anderson, Cain, Chambliss, Cochran, DeMorse, Donald, Easley, Epperson, Gellatly, Harris, Jackman, Johnson, Kessler, Lawhon, Lea, Massey, McCuiston, McLeary, Middleton, Moody, Nicholson, Pickett, Price, Scott, Simpson, Smith of Travis, Smith of Grimes, Triplett, Von Biberstein, Walker and Wortham—31.

Nays—Mr. Speaker, Abnar, Ballard, Barziza, Beck, Brown of Gregg, Brown of Harrison, Delany, Douglass, Eastland, Edwards, Foote, Freeman, Galvan, German, Goodwin, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Kemble, Lindsey, Linn, Matthews, Mitchell, Meissner, Miller, Murphy, O'Neal, Oxsheer, Patrick, Patterson, Reeves, Rogers, Rosborough, Roberts, Sadler, Stephens, Storey, Stuart of Falls, Swain and Watson—44.

Mr. Rogers moved that those members desiring leave of absence until Thursday next, be granted it. Carried.

Under this motion the following gentlemen were excused: Messrs. Anderson, Brown of Gregg, Cochran, DeMorse, Epperson, Harris, Johnson, Lawhon, Lea, Massey, Meissner, Moody, Price, Sayers, Smith of Grimes and Triplett.

On motion of Mr. Pickett, the House adjourned to 11:15 this morning.

The House was called to order at 11:15. Roll called.

Absent, not excused—Messrs. Ballard and O'Neal.

No quorum.

On motion of Mr. Foote, the House adjourned to 10 A. M. to-morrow.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 17, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

On motion of Mr. Reeves, Mr. Hayes was granted leave of absence until Tuesday, February 24, on account of sickness in his family.

The journal of yesterday was read and adopted.

A message from the Senate announced the passage by that body of Senate bill No. 57, "To provide for the registration of voters in all the incorporated towns and cities within the State, not otherwise provided by law;" and House bill No. 58, "validating the authorization and registration of certain instruments of writing." Also, of the adoption of the House concurrent resolution raising a special joint committee to take into consideration the financial condition of the State, and the appointment of Senators Baker Wood and Moore said committee on the part of the Senate.

The Speaker made the following additions to committees:

On the committee upon the address for removal of L. W. Cooper, Judge of the Third Judicial District, Messrs. Henderson of Smith and Linn.

On the committee upon the address for removal of M. Priest, Judge of the Fourth Judicial District, Messrs. Murphy and DeMorse.

On the committee upon the address for removal of M. W. Wheeler, Judge of the Fifth Judicial District, Messrs. Cain and Wortham.

Mr. Storey announced the death of Hon. John T. Smith of Houston county in the following tribute of respect:

We are to-day called upon to mourn the loss of a pure and upright brother. On

Saturday morning, for the first time since the session began, the seat of the honorable gentlemen from Houston was vacant. On Sunday a congestive chill deprived him of his reason. Medical skill could produce no reaction, and on Monday at 4 o'clock P. M. he breathed his last.

It has been the good fortune of some of us to counsel with him in this hall at former sessions of the Legislature of Texas, and all know that an honorable, just and upright man has been taken from our midst, and in this dispensation of divine providence his children have lost a kind and affectionate father, his constituents a faithful servant, and the State a calm, dispassionate and safe legislator. And to the end that that respect and honor, so eminently due his memory, should be paid with due order and propriety, I beg leave to present the following resolutions:

Concurrent resolutions relative to the death of the Hon. John T. Smith:

Be it resolved by the House of Representatives, the Senate concurring, That a joint committee of five Senators and ten Representatives be appointed, to take charge of the remains of the Hon. John T. Smith, late a member of this House from the county of Houston; and that said committee make all necessary arrangements for the funeral.

Resolved, That the necessary expenses attending the funeral be charged to the contingent fund of the Fourteenth Legislature.

The resolutions were adopted, and the Speaker appointed the following committee to arrange for the funeral: Messrs. Storey chairman, Rainey, Denman, Henderson of Smith, Harrison, Easley, Brown of Gregg, Smith of Travis, Murphy and Linn.

After a brief pause a message from the Senate announced the adoption by that body of the above concurrent resolutions, and the appointment of Senators Dillard, Dwyer, Allison, Ball and Ireland, to act with the House committee in making arrangements for the funeral.

Mr. Storey offered the following resolution:

Resolved, That the Speaker of this House appoint a committee of two to convey the remains of the late John T. Smith to his home and family in Houston county, Texas.

Adopted.

The Speaker appointed Messrs. Rainey and Brown of Gregg said committee.

Mr. Linn offered the following resolution:

Resolved, That in respect to the memory of the late Hon. John T. Smith of Houston county, this House do now adjourn to 3:30 P. M. Adopted.

AFTERNOON SESSION.

House met.

His Excellency Governor Coke and heads

of departments were announced and received, Governor Coke being seated on the right of the Speaker. The Senate was announced and assigned to seats prepared for them, the President of the Senate being seated on the left of the Speaker.

Mr. Storey submitted the following report: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

Your committee appointed to act with a like committee from the Senate to make the necessary arrangements for the funeral of Hon. John T. Smith, beg leave to report the following order of procession:

ORDER OF PROCESSION.

Marshals.

Military Escort (Travis Rifles).

Cadets from Texas Military Institute.

Pall Bearers. HEARSE. Pall Bearers.

Chaplains of Senate and House.

Members and Officers of House.

Members and Officers of Senate.

Governor and Suit.

Supreme Court.

Heads of Departments.

Members of Press.

Masonic Fraternity.

Odd Fellows.

City Authorities.

City Fire Companies and other Societies.

Citizens on foot.

Carriages.

The procession will be formed at 4 o'clock P. M., and move through the Capitol grounds, down Congress Avenue to Pecan street, thence down Pecan street to the depot of the Houston and Texas Central Railway.

Your committee report further that Senator Dilliard has been appointed marshal on the part of the Senate, and Mr. P. F. Murphy on the part of the House, and Senators Swift, Ireland, Baker and Allison pall bearers on the part of the Senate, and Messrs. Harrison, Brown of Gregg, Saddle and Jenkins on the part of the House.

L. J. STOREY

Chairman House Committee.

Mr. Rainey delivered a brief eulogy of his deceased colleague, Hon. John T. Smith.

The funeral exercises were then conducted by the chaplain, Rev. John F. Hillyer.

Mr. Harrison moved that at the close of the funeral obsequies, the House stand adjourned until Thursday the nineteenth, at 10 A. M., which carried.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 19, 1874. }

House met. Roll called; quorum present.
Prayer by the chaplain.

Absent—Messrs. Barziza, Jackman, Linn, Middleton, Moody, Meissner, Nicholson, Sayers, Schmidt, Triplett and Watson.

On motion of Mr. Storey, Mr. Jackman was excused for the rest of the week on account of important business. The same leave was also granted to Mr. Sayers.

On motion of Mr. Denman, Mr. Linn was excused for the day on account of sickness.

On motion of Mr. Kemble, Mr. Middleton was excused until Wednesday next on account of sickness in his family.

On motion of Mr. Kessler, Mr. Meissner was excused for one day.

On motion of Mr. Simpson, Mr. Triplett was granted leave of absence for two days.

On motion of Mr. Cochran, Mr. Moody was granted leave of absence for one day on account of important business.

On motion of Mr. German, Mr. Nicholson was granted leave of absence for one day on account of sickness.

On motion of Mr. Jenkins, Mr. Watson was excused for ten days on account of sickness in his family.

Journal of Tuesday read and adopted.

A message from the Senate announced the passage by that body of Senate bill No. 137, "making an appropriation to defray the contingent expenses of the Department of State; Senate bill No. 27, "to amend sections five, eight, seventeen and nineteen of an act entitled 'An act to incorporate the Orange, Jasper and Shelby Railway Company, and to aid in the construction of their road,'" and Senate joint resolution No. 133, "to require the State Treasurer to pay certain warrants."

A communication from the Adjutant General, relative to a portrait of David Crockett, one of the heroes of the Alamo, which had been transmitted to him with the view of a sale to the State, was read and referred to the Committee on State Affairs.

Unfinished business on adjournment being House bill No. 16, "to encourage stock-raising, and for the protection of stock-raisers," was taken up.

On motion of Mr. Miller, its further consideration was postponed, and it was made special order for Tuesday, February 24, at 11 A. M.

On motion of Mr. Simpson, House bill No. 92, "creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof," was taken up and read.

On motion of Mr. Simpson, owing to the absence of some gentlemen specially interested in the matter, its further consideration was postponed until Saturday, February 21, at 11 A. M., and made special order for that hour.

On motion of Mr. O'Neal, House bill No. 11, to regulate landlords and tenants was taken up.

On motion of Mr. Kessler it was postponed until Wednesday, February 25, 11 A. M., and made special order for that hour.

On motion of Mr. Pickett, House bill No. 128, "To provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans, or other marauding or thieving parties," was taken up. The bill having been read the third time was passed.

Mr. Galvan presented the following address and resolution:

To his Excellency, Richard Coke, Governor:

The Senate and House of Representatives of the State of Texas do hereby address your excellency, and represent and charge that one S. B. Newcomb, Judge of the Twenty-fifth Judicial District in the State of Texas, is unfit to hold the office of judge of the district court aforesaid; and we, the Senate and House of Representatives, reserving the right to hereafter prefer additional charges and causes for removal, do request that the said S. B. Newcomb be removed from his office as judge aforesaid, for the following reasons, to-wit:

First. That he, the said S. B. Newcomb, Judge of the Twenty-fifth Judicial District, is not qualified for the high office of judge as aforesaid, because he has not that knowledge of the law and the practice in the courts of this State necessary to a proper discharge of the high and responsible duties of said office.

Second. That he, the said Newcomb, judge as aforesaid, did, at the term of the district court, A. D. 187-, in the county of El Paso, sustain indictments against various and sundry persons, to-wit, about one hundred persons, whose names are at present unknown, upon the charge of fornication, and did cause the said parties to be tried upon said charge, and upon a conviction of the parties did remit the fine, requiring payment alone of the costs and fees; such prosecution upon said indictments and the said acts and doings of said judge being without warrant of law and in defiance of the decisions of the Supreme Court of this State.

Third. That he, the said Newcomb, judge as aforesaid, did unlawfully arrogate to himself the power and authority to set aside and disregard the will of the people, as expressed by ballot at the election held on the second day of December, A. D. 1873, in refusing to recognize the officers elected by the people at said election for the county of El Paso, the said officers having qualified in accordance with law, and in declining to know or recognize any officer who did not hold a commission from E. J. Davis, as Governor of Texas.

Wherefore, the Senate and House of Representatives of the State of Texas do say, that because of the incompetency of

S. B. Newcomb, judge of the Twenty-fifth Judicial District and his aforesaid criminal acts and doings; that he, judge as aforesaid, is unworthy to hold the high office he now occupies, and demand and request his removal therefrom; and the said Senate and the said House of Representatives, do reserve unto themselves the right to hereafter specify the necessary dates and names of parties, and to proffer such proofs as may be necessary to sustain this address.

Resolved, That the address of the Senate and House of Representatives of the State of Texas, requesting the removal of S. B. Newcomb, District Judge of the Twenty-fifth Judicial District, be entered upon the journals of both houses of this Legislature, and that said S. B. Newcomb, judge as aforesaid, be served with a copy of said address, and that citation issue requiring him, the said Newcomb, to appear before the proper committee within the time required by the rules governing such cases, and show cause why such address should not be adopted; and that a committee of three from the Senate and five from the House of Representatives be appointed to consider said address and conduct proceedings thereon.

The resolution was adopted, and the Speaker appointed Messrs. Harris, Lawhon, Galvan, Murphy, and Meissner, a committee to consider the above address.

Mr. Reeves presented a petition of the citizens of school district No. 1, Grayson county. Read and referred to Judiciary Committee No. 1.

Mr. Reeves presented a petition from the citizens of Grayson county, relative to supposed University lands, asking relief. Read and referred to Judiciary Committee No. 1.

Mr. Delany presented a memorial of the heirs of James Winters, deceased. Read and referred to the Committee on Private Land Claims.

Mr. Edwards presented a petition from citizens of Hunt and Kauffman counties, asking the passage of a law similar to the Ohio liquor law. Read and referred to Judiciary Committee No. 1.

Mr. Cochran presented a protest of the citizens of Dallas county, against the taking of any portion of that county for the formation of a new county. Read and referred to the Committee on Counties and County Boundaries.

Mr. Bryan presented a petition from Thos. K. Davis, asking relief. Read and referred to the Committee on Private Land Claims.

Reports from Judiciary Committee No. 2:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2 to whom was referred House bill No. 184, entitled "An act for the relief of certain citizens of

Walker county," have had the same under consideration, and have instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

On motion of Mr. Farrar, the further consideration of the bill was postponed until Thursday, February 26, 11 A. M., and made special order for that hour.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 178, entitled "An act relating to the trial of cases in district courts brought from justices' courts by appeal or otherwise," have had the same under consideration, and have instructed me to report the same back, and recommend that it do not pass.

B. H. EPPERSON, Chairman.

The bill having been read the second time, the report was adopted and bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 180, entitled "An act to require the Commissioner of the General Land Office to furnish the surveyor's office of each land district with a transcript of the field notes of surveys of land located in said land district, and to cause records of each county of a land district to be kept in separate books, and cause said transcripts to be received as valid testimony in the courts," have had the same under consideration, and have instructed me to report the same back and recommend that it do not pass.

B. H. EPPERSON, Chairman.

The bill having been read the second time, the report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred Senate bill No. 50, entitled "An act making an appropriation to pay judgment in favor of E. M. Smith against the State of Texas," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

On motion of Mr. Kemble, the House went into committee of the whole upon the bill.

(Mr. Harrison in the chair.)

After discussion the committee rose, and, the Speaker in the chair, reported through the chairman that they had considered the bill and recommended its passage.

The report was adopted and bill passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 118, "A bill for special judges in criminal cases," have had the same under consideration, and have instructed me to report the same back, and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read the second time, the report was adopted and bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2 to whom was referred House bill No. 165, entitled "An act to provide for the registration of conveyances of property situated in unorganized counties," have had the same under consideration and have instructed me to report the accompanying bill as a substitute and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, which adopted the substitute offered by the committee, being a bill to provide for the registration of deeds, mortgages and other written instruments in unorganized counties in this State. The bill was then ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred House bill No. 91, a bill to be entitled "An act to authorize the funding of the debt of Caldwell county, and to provide for the payment of the same," have had the same under consideration, and have instructed me to report the accompanying bill as a substitute, and to recommend its adoption and passage.

B. H. EPPERSON, Chairman.

On motion of Mr. Storey, the reading of the original bill was dispensed with, and the report was adopted, which adopted the substitute offered by the committee, being a bill to authorize the funding of the debts of the several counties in this State, and to provide for the payment of the same.

On motion of Mr. Douglass, the further consideration of the bill was postponed until Saturday, the twenty-first, at 10:30 A. M. It was made special order for that hour, and one hundred copies ordered printed.

Reports from Judiciary Committee No. 1:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 18, "to amend sections one and two of 'An act relating to the State taxes,'" have had the same under consideration, and have proposed to amend said bill by a substitute therefor, and have instructed me to recommend the

passage of said substitute, which is herewith submitted.

JOHN W. HARRIS, Chairman.

The original bill having been read, Mr. Storey moved to postpone the further consideration of the bill and substitute until Saturday, February 28, at 11 A. M., and make it special order for that hour, which carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred the joint resolution of the House No. 16, "For the relief of Daniel A. Mahoney," have duly considered the same, and respectfully recommend that it do not pass.

JOHN W. HARRIS, Chairman.

The bill having been read second time, the report was adopted and bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred the bill No. 81, to be entitled "An act making it felony to sell hired or borrowed property," have amended said bill by substituting another in its stead, and would most respectfully recommend the passage of said substitute, which is herewith submitted.

JOHN W. HARRIS, Chairman.

The bill having been read second time, the report was adopted, which adopted the substitute offered by the committee, being a bill to amend the Penal Code.

Mr. Storey moved to amend by striking out all after the word "theft," in line eleven, and inserting in lieu thereof the following: "and upon conviction thereof by a court of competent jurisdiction, be punished as if he had stolen said property."

The House refused to adopt the amendment.

The bill was then ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred Senate bill No. 27 1-2, to be entitled "An act to amend article 2994 of the Code of Criminal Procedure," recommend that said bill be amended by inserting "article 527," instead of "article 2994," and that the said bill, so amended, be passed.

JOHN W. HARRIS, Chairman.

The bill having been read second time, the report was adopted and the bill as amended passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1 to whom was referred House bill No. 48, to be entitled "An act to reorganize Young county," have considered the same and recommend its passage

JOHN W. HARRIS, Chairman.

The bill having been read second time, the report was adopted.

Mr. Bruce moved to recommit the bill to the Committee on Counties and County Boundaries, which carried.

Mr. Wortham moved to take up Senate bill No. 61, "To provide for the public printing by contract, which carried.

(Mr. Harrison in the chair.)

The bill having been read, Mr. Bryan moved to refer the bill to the Committee on Printing and Contingent Expenses, which carried.

(Mr. Speaker in the chair.)

Report from Committee on Public Lands and Land Office:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 174, to be entitled "An act to authorize the sale of the alternate sections of lands as surveyed by railroad companies, and set apart for the benefit of the common school fund," have had the same under consideration, and herewith return the same and ask that one hundred copies be printed for the benefit of the House, and recommend that it do pass.

DOUGLASS, Chairman *pro tem.*

The bill having been read second time, the report was adopted and the bill was postponed to Friday, February 27, at 11 A. M., and made special order for that hour.

Report from Committee on Agriculture and Stockraising:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 194, entitled "An act to encourage the irrigation of lands in this State," beg leave to return the same, and recommend its reference to Judiciary Committee No. 2.

W. G. MILLER, Chairman.

The report was adopted and the reference made.

Report from Committee on Asylums:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom has been entrusted the duty of visiting the State asylums, and inspecting their management and condition, have the honor to report the result of their examination of the Institute for the Blind.

We have taken special pains to inform ourselves in reference to the facts, by inspecting the grounds and buildings, mingling with the pupils, and conversing with the teachers and officers.

The institution is in a prosperous condition, performing its benevolent work in a manner creditable to the State. We found the buildings and grounds in perfect neatness and order, and every department in excellent condition. The number of blind

inmates now present is thirty—a number greater than in any previous year—and there are ample and convenient accommodations for all who are likely to be present for several years to come.

The Superintendent has managed the affairs of the asylum with fidelity and uprightness. He has kept careful watch over the expenditures which have been confined within as reasonable limits as the heavy discounts on State warrants would permit. The annual cost of each pupil is \$500 in warrants, which in purchasing power, has not, till lately, more than equalled \$350 in currency. As the number of pupils increase, the cost of maintenance will relatively diminish, and an institution of forty or fifty pupils can be perfectly well conducted at a cost of \$300 a year per pupil. We find on examination that the expenses of the various blind schools of the country range from \$250 to \$750 per annum, and when, by judicious legislation, our State treasury is again in funds, we see no reason why the expense *per capita* should exceed the sum we have mentioned.

The Texas institute for the instruction of the blind, is declared by law to be a school to train the blind to self help. To give a dollar to a blind person may be an act of questionable beneficence, to show him how to earn one is true philanthropy. Experience has shown that the blind can make a comfortable support in many ways. One can be trained as a teacher of music, another as a piano-tuner, a third as an instructor of the blind, while with by far the larger portion a primary education, and a thorough training in some handicraft, will prove the wisest course.

In the school all the branches of a common school education are taught by three diligent and competent instructors, two of whom are themselves blind. We commend the practice of selecting the most promising of the pupils, and preparing them with special care for the position of teachers. Two of the pupils, named Sallie Scott and Robert Turner, interested us greatly by their bright intelligence, aptitude and progress in their studies, especially reading and music. They will in a few years make superior teachers.

In the musical department, twenty seven pupils are taking lessons on the piano, six upon the violin and bass viol, and all receive training in singing classes. The object mainly is to prepare those who evince the requisite ability to earn their own support in the field of music. The pupils take pleasure in this exercise, and look upon it as a privilege rather than a task.

The domestic department is superintended by the matron, Mrs. K. G. Carr. She is a lady, vigilant, prudent and attentive in the ad-

ministration of household concerns, uniformly kind, as we believe, and a mother to the helpless ones of her charge. It is pleasant to note how much of the home influence and feeling is to be seen here.

Your committee took much interest in the mechanical department, as this will most directly and practically serve the greatest number of the blind. The great majority of the sightless class must earn their bread by manual work. Ninety per cent of the blind in the institution are poor, and the primary object of their school should be to enable its graduates to support themselves. Experience has shown that broom making and seating cane chairs are the branches most readily taught, and are reasonably remunerative. The boys labor three hours daily in the little shop, and many of them have become skilled broom makers, able to turn out substantial work, and earn wages, with which they can clothe themselves. This we regard as of the first importance. A blind person who is master of a useful trade, can earn a good living anywhere in the broad State of Texas. The removal of any class of persons from the pauper list, and their elevation into useful producers, is a direct gain to the Commonwealth.

There are at least sixty blind children in Texas qualified by age, health and intelligence, for admission into this institution, and who need the benefits of its training. If all these could be gathered into the school, while the widening of its influence would be great, the ratio of expense would be lessened, for sixty pupils could be instructed and maintained without making any material approach to doubling the expense incident to educating thirty.

The present grounds belonging to the institution are too small to afford proper facilities for recreation and exercises so necessary for the health and comfort of the students—there being only two acres.

There is a block of land of two acres adjoining the block upon which the institution is situated, that can now be bought by the State for the use of the institution upon reasonable terms. We would, therefore, recommend the appropriation of five thousand dollars, or so much thereof as may be necessary for the purchase of the same, for the purpose indicated.

CHAMBLISS, Chairman.

The report was received and referred to the Committee on State Affairs.

Mr. Goodwin moved to suspend the rules and take up House bill No. 181, "to amend section twenty-nine of an act entitled 'An act prescribing the times of holding the district courts in the several judicial districts of the State,'" approved August 10, 1870. The motion carried, the bill was read third time and passed.

The Speaker appointed Mr. Kessler upon the Committee on Public Debt in lieu of Hon. John T. Smith, deceased.

Report from the special committee to examine the books, papers and accounts of the commissioners and architect of the Agricultural and Mechanical College of Texas: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

Your special committee appointed to investigate the condition of the Agricultural and Mechanical College of Texas, beg leave to report that on the seventeenth day of April, 1871, an appropriation of \$75,000 was made by the Legislature of Texas, for the purpose of building the Agricultural and Mechanical College of Texas, and that said amount of money was deposited in the State Treasury to the credit of the college, and that on the seventh day of August, 1872, \$12,000 in Brazos county bonds was deposited in the State Treasurer's office to its credit. We find that said appropriation has been disbursed as follows:

The commissioners appointed to locate the college drew from the State Treasury for traveling and other incidental expenses in locating the same, the sum of \$2,361 75 in currency, and \$150 in coin. We also find that said commissioners drew \$12,000, out of the Treasury under the *pretence* that it was necessary, to purchase the lands for the location of the college. We further find that the citizens of Brazos county purchased and paid for the land (2800 acres), and that Brazos county re-imbursed its citizens by issuing to them bonds payable in four years, for the money thus advanced by them to purchase said land. We further find that the twelve thousand dollars drawn out of the treasury for the *pretended* purchase of said land, was by some means delivered to W. A. Saylor, now of Austin city, and Harvey Mitchell, of Brazos county, and that said W. A. Saylor and Harvey Mitchell did, on the twenty-fifth day of September, 1871, make, sign, and deliver, to the Comptroller of Texas their joint promissory notes respectively numbered one, two and three, for four thousand dollars each, payable to the commissioners of the Agricultural and Mechanical College of Texas, at six, twelve and eighteen months after date; and that said notes are in the office of the Comptroller, and are unpaid. We further report, that under a contract made by the commissioners with Chalmers & McMillan as contractors, and Carl De Grote as architect, and a subsequent attempt by some of the commissioners to build the college on their own account, that the sum of \$21,096 60 was foolishly spent and nothing accomplished, except a foundation laid for the main building, which was so very defective and worthless that the present contractors

had to remove it as rubbish. Thus we find that on the first day of August, 1873, \$35,458 35 had been spent, wasted, and chicken-pied away, and nothing whatever accomplished.

We further report, that under the efficient management of the present commissioners, the contract to build the walls of the main building has been let at advantageous rates, and that the first and second stories are now up, and the third story, which will make the walls ready for the roof, will be erected by the middle of March. From information received, the work is not only substantially but elegantly done. The contract to complete the walls amounts to something over \$28,000, leaving still a balance of money on hand, but not enough to complete the building. From estimates furnished by Captain J. Larmour, the architect, it will cost \$57,000 to put a good mansard roof on the main building, and put up such other necessary out-buildings and fencing, so as to get the college ready for the reception of pupils.

We are glad to state that the present board of commissioners, J. H. Raymond of Austin and Spencer Ford and A. S. Broadus of Bryan, and the architect, J. Larmour, seem to have the good of the State at heart, and are acting prudently and wisely in the management of the college. We trust they will continue in office.

The endowment of this college, under an act of Congress, was 180,000 acres of public domain of the United States. This land has been sold, and the money used by the State, and \$174,000 in seven per cent. frontier bonds substituted for it in the State treasury. Also, \$12,000 of Brazos county ten per cent. bonds, payable in four years, making the aggregate endowment \$186,000, with an annual interest of \$13,380.

Your committee recommend that the necessary appropriations be made to prepare this institution for the reception of pupils. We further recommend the passage of the bill hereto attached; authorizing the commissioners to collect by suit or otherwise, the notes of W. A. Saylor and H. Mitchell, for \$12,000, and pay the same into the State treasury to the credit of said college fund.

All of which is respectfully submitted,

G. J. GOODWIN,

Chairman Special Committee.

The bill reported by the Committee being House bill No. 208, to authorize the commissioners of the Agricultural and Mechanical College of Texas, to collect by suit or otherwise certain notes therein mentioned, was read first time.

Report from Committee on Enrolled Bills:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills

have carefully examined and compared House bill No. 58, entitled "An act validating the authentication and registration of certain instruments of writing," and find the same correctly enrolled, and presented the same to the Governor for his approval this day at 11 o'clock.

C. B. PICKETT, for Committee.

On motion of Mr. Harrison, the House adjourned to 9:30 A. M., to-morrow.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 20, 1874. }

House met. Roll called; quorum present.

Prayer by the chaplain.

Absent—Mr. Barziza.

On motion of Mr. Epperson, Mr. Barziza was excused on account of sickness until the twenty-fourth instant.

On motion of Mr. Kemble the reading of the journal was temporarily postponed.

Mr. Louis Cardis, member elect from the Thirtieth Senatorial District came forward and was sworn in.

On motion of Mr. Rogers, Mr. Linn was excused for the day on account of sickness.

Mr. Brown of San Saba, presented a petition from citizens of Llano county, protesting against the dismemberment of that county. Read and referred to the Committee on Counties and County Boundaries.

Mr. Murphy presented a protest from certain citizens of Kinney county, against disorganizing said county, referred to the Committee on Counties and County Boundaries.

A message was received from his Excellency the Governor, returning House bill No. 58, validating the authentication and registration of certain instruments of writing.

Mr. Henderson of Kendall, presented a petition from citizens of Kerr county, asking a revision of the laws relative to stock. Referred to the Committee on Agriculture and Stockraising.

Mr. McLeary presented memorials from citizens of Kerr county, for and against prohibitory liquor laws. Both were read and referred to Judiciary Committee No. 2.

Mr. Massey presented a petition from Mrs. Mary J. Sims, asking relief. Referred to the Committee on Private Land Claims.

Reports from Committee on Engrossed Bills:

Hon. Guy M. Bryan Speaker of the House of Representatives:

Your Committee on Engrossed Bills, have carefully examined the following House bills, to-wit: House bill No. 118, "An act to authorize the selection of special judges in the criminal courts of this State in certain cases;" also, House bill No. 165, "An

act to provide for the registration of deeds, mortgages and other written instruments in unorganized counties in this State," and find each correctly engrossed.

L. J. STOREY, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills beg leave to report that they have compared House bill No. 81, "An act to amend the Penal Code," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Leave being granted, Mr. Rogers introduced a bill to provide for common pastures. Read and referred to the Committee on Agriculture and Stockraising.

On motion of Mr. Smith of Grimes, the rules were suspended and business on the Speaker's table taken up.

The following communication from his Excellency the Governor, was read:

EXECUTIVE OFFICE,

AUSTIN, February 20, 1874.

To the Honorable House of Representatives of the State of Texas:

I return, without my approval, and respectfully ask your reconsideration of House bill No. 58, being "An act validating the authentication and registration of certain instruments of writing."

I could see no objection to the bill if its operation were simply to validate, from the date of its passage, acknowledgments of instruments taken heretofore before officers, which laws then in force did not recognize as proper authority for that purpose, but who, under existing laws, are authorized to take such acknowledgments. Nor would any objection exist to making the registration of such instruments valid from the date of the passage of the act. But in its present shape the bill is retroactive, and may in its operation work injustice. Section fourteen, article one, of the Constitution expressly forbids the enactment of a retroactive law. This bill, if it should become a law, would enable a party, for instance, to avail himself of the defense of the statute of limitations under a deed "duly recorded," in an action against him for land, and thus defeat the title of the true owner, who, perhaps, permitted him to remain in possession five years, knowing that, under existing law, the deed not being "duly recorded," was not such a paper title as the statute would run on. Again, under existing law, a deed or mortgage not "duly recorded," is not constructive notice to subsequent purchasers, or incumbrancers, for value.

This bill would, if a law, affect these with notice, and postpone their claims, or subordinate them to claims which, before its passage, had no standing in court against them.

Rights, as against unrecorded deeds, or mortgages not "duly recorded," acquired in good faith for value, under existing laws, come fully within the definition of what are known as "vested rights." Numerous instances can readily be imagined, as of frequent occurrence, in which such rights, if this bill were enforced as law, would be divested.

Other illustrations could be given of the unjust operation of the proposed law, but these are sufficient to show that it comes fully within the constitutional prohibition upon the passage of retroactive laws.

Respectfully,

RICHARD COKE.

On motion of Mr. Smith of Grimes, the bill and message were referred to Judiciary Committee No. 2.

Senate bill No. 27 1-2, "To amend article 527 of the Code of Criminal Procedure," was read third time.

Mr. Goodwin moved to amend by striking out the word "two" before credible persons, and inserting in lieu thereof "three."

Mr. Smith of Grimes, moved to lay the amendment on the table. Lost.

Mr. Lea moved to amend the amendment be striking out "three" and inserting in lieu thereof "ten." Lost.

The amendment was then lost.

Mr. Sayers offered the following amendment, strike out the "enacting clause."

Mr. Storey moved to lay the motion on the table. Lost by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Beck, Brown of San Saba, Chambliss, Denman, DeMorse, Edwards, Epperson, Farrar, German, Goodwin, Harris, Harrison, Henderson of Smith, Jenkins, Johnson, Lawhon, Massey, McLeary, Meissner, O'Neal, Patrick, Pickett, Reeves, Rogers, Rosborough, Scott, Smith of Grimes, Storey, Stuart of Falls and Wortham—34.

Nays—Messrs. Brown of Harrison, Bruce, Cain, Cardis, Cochran, Donald, Douglass, Easley, Eastland, Foote, Freeman, Galvan, Hart, Helton, Henderson of Kendall, Kemble, Kessler, Lea, Lindsey, Matthews, McCuiston, Mitchell, Miller, Moody, Murphy, Nicholson, Oxsheer, Patterson, Price, Roberts, Sadle, Sayers, Simpson, Smith of Travis, Stephens, Swain, Von Biberstein, Walker and Watts—39.

The amendment offered by Mr. Sayers was then put and failed to carry.

Mr. Henderson of Kendall, moved to amend by inserting where proper, "in cases of felony," and also by striking out "two" and inserting "five" in lieu thereof.

Mr. Simpson moved to lay the bill and amendment on the table, which carried by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard Bean, Beck, Brown of Harrison, Bruce, Cain, Cardis, Cochran, Donald, Douglass, Easley, Eastland, Foote, Free-

man, Galvan, Hart, Helton, Henderson of Kendall, Kemble, Kessler, Lea, Lindsey, Matthews, McCuiston, Mitchell, Miller, Moody, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Price, Roberts, Sadler, Sayers, Simpson, Smith of Travis, Von Biberstein, Walker and Watts—44.

Nays—Messrs. Brown of San Saba, Chambliss, Denman, DeMorse, Epperson, Farrar, German, Goodwin, Harris, Harrison, Henderson of Smith, Jenkins, Johnson, Lawhon, Massey, McLeary, Meissner, O'Neal, Pickett, Reeves, Rogers, Rosborough, Scott, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain and Wortham—29.

Senate bill No. 117, to amend section thirteen of "An act providing for a geological survey of the State of Texas," approved August 13, 1870, was read first time and referred to Judiciary Committee No. 2.

Senate joint resolution No. 118, "Instructing the Attorney General to bring suit against James Davidson, late Adjutant General, and to prevent the sale of property in this State held in his name until the termination of said suit," was read first time.

On motion of Mr. Storey, the rules were suspended, the bill read second time and passed to third reading.

On motion of Mr. Storey, the rules were further suspended, the bill read third time and passed.

Senate bill No. 52, "To confer jurisdiction of certain civil causes on the courts in the several counties in this State," was read first time and referred to Judiciary Committee No. 2.

Senate bill No. 29, "To validate the registry of deeds, bonds and other evidences of title in certain cases," was read first time and referred to Judiciary Committee No. 2.

Senate bill No. 39, to amend section thirty-six of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, was read first time and referred to Judiciary Committee No. 2.

Senate bill No. 50, "Making appropriation to pay judgment in favor of E. M. Smith against the State of Texas," was read third time and passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Bean, Beck, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Epperson, Farrar, Foote, Freeman, Galvan, Goodwin, Harris, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lea, Lindsey, Massey, Matthews, McCuiston, Mitchell, McLeary, Miller, Moody, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Roberts, Sadler, Sayers, Simpson, Smith of Travis, Stephens, Storey,

Stuart of Falls, Swain, Von Biberstein, Walker and Wortham—65.

Nays—None.

On motion of Mr. Kemble, House bill No. 142, "to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873," was taken up and read third time.

Mr. McLeary moved to amend by filling the blank in section two with the word "nine," which carried.

The bill then passed.

Senate bill No. 57, "to provide for the registration of voters in all the incorporated towns and cities within the State not otherwise provided for by law," was read first time and referred to Judiciary Committee No. 2.

Senate joint resolution No. 76, "asking our Senators and Representatives in Congress to procure an appropriation by Congress to improve the navigation of Soda Lake and Cypress Bayou," was read first time and referred to the Committee on Internal Improvements.

Senate joint resolution No. 133, "to require the State Treasurer to pay certain warrants," was read first time and referred to the Committee on Finance.

Senate bill No. 137, "making an appropriation to defray the contingent expenses of the Department of State," was read first time and referred to the Committee on Finance.

Senate bill No. 27, to amend sections five, eight, seventeen and nineteen, of "An act entitled 'An act to incorporate the Orange, Jasper and Shelby Railway Company, and to aid in the construction thereof,'" was read first time.

Mr. Simpson presented a protest from citizens of Orange county, against the passage of the bill.

The bill and protest were, on motion of Mr. Simpson, referred to the Committee on Internal Improvements.

Senate bill No. 78, "To define the land districts of Palo Pinto, Jack, Clay, Young and Eastland counties, and to make valid the surveys and locations made therein," was read first time and referred to the Committee on Public Lands and Land Office.

A message from the Senate announced the passage by that body of House bill No. 181, to amend section twenty-nine of "An act entitled 'An act prescribing the times of holding the district courts in the several judicial districts of the State,'" approved August 10, 1870.

House bill No. 41, "To allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns," was read third time and passed.

(Mr. Wortham in the chair.)

House bill No. 51, to authorize parties in

certain cases to sue in the district courts for headright certificates and bounty and donation warrants, and to provide for the issuing of such certificates, was read third time.

After discussion, on motion of Mr. Smith of Grimes, Mr. Storey was granted leave to introduce two bills, and introduced a bill making an appropriation to pay mileage and *per diem* of witnesses before the various committees of the houses of the Fourteenth Legislature. Read first time and referred to the Committee on Finance.

Mr. Storey also introduced a bill to fix the rate of mileage and *per diem* of witnesses before the various committees of the two houses of the Fourteenth Legislature. Read and referred to Committee on Finance.

On motion of Mr. Smith of Grimes, the House adjourned to 10 o'clock A. M. tomorrow.

* THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 21, 1874. }

House met. Roll called; quorum present.

Prayer by chaplain.

Absent—Messrs. Beck, McLeary, Patrick and Sadler.

On motion of Mr. Sayers, Mr. McLeary was excused for four days on account of pressing business.

On motion of Mr. Anderson, Mr. Sadler was excused until Tuesday on account of important business.

On motion of Mr. Freeman, Mr. Beck was excused until Thursday next on account of sickness in his family.

On motion of Mr. Goodwin, Mr. Patrick was excused until Thursday, on account of important business.

The journal of the nineteenth instant was read and adopted.

The journal of yesterday was read and adopted.

The special order was announced, House bill No. 91, "To authorize the funding of the debts of the several counties in this State, and to provide for the payment of the same," and read second time.

Mr. Johnson moved to amend by inserting after the word "tax," in section two, line fourteen, the following: "sufficient to provide for the payment of the interest and two per cent. sinking fund," and striking out the rest of the section. Lost.

Mr. Swain moved to amend by striking out in line nine, section two, the word "may," and inserting in lieu thereof "shall." Adopted.

Mr. Douglass offered the following amendment: add to section one, the following, "provided that no bonds shall be is-

sued unless a majority of the qualified electors in their county shall petition the county court to do so."

Mr. Kemble moved to amend the amendment by striking out "qualified electors," and inserting in lieu thereof "tax payers."

On motion of Mr. Chambliss, both amendments were laid on the table.

Mr. Lawhon offered the following amendment: In section two, line five, after the word "not" insert "less than eight nor." Lost.

Mr. Stephens moved to amend by adding to section two: "And said county courts shall create and set apart a sinking fund of two per cent. annually for the redemption of the principal of said bonds." Lost.

Mr. Storey moved to amend by inserting in line fourteen, section two, after the word "special" the word "annual." Carried.

Mr. Kemble moved to amend by inserting in line three, section one, after the word "counties," the words "except the county of Ellis." Lost.

Mr. Nicholson moved to strike out of lines ten and eleven, section two, the words "buy up or." Lost.

Mr. Douglass moved to insert in section two, line two, after the word of, the words "ten, twenty." Lost.

Mr. Anderson moved to amend by striking out of line fifteen, section two, "one-eighth," and inserting in lieu thereof, "one-fourth."

Mr. Kemble moved to amend the amendment by striking out "one-fourth," and inserting in lieu thereof, "one-sixteenth." Lost.

The amendment was then lost.

Mr. German moved to amend section four by adding the following proviso: *Provided*, this act shall not take effect in any county of this State unless a majority of the qualified voters of said county vote for it, and a vote may be ordered by the county court of said county upon the petition of one hundred of the citizens of said county. Lost.

Mr. Stuart of Falls offered the following amendment: Amend by striking out all after the enacting clause in the first section of the bill and insert, "That the warrants and all other evidences of indebtedness of the various counties of this State shall be registered and shall draw interest at the rate of eight per cent. per annum and that the county courts of the various counties of this State shall cause to be assessed and collected upon all the property of their respective counties an *ad valorem* tax of not more than one-eighth of one per cent. annually, which said tax shall be applied to the liquidation of this outstanding indebtedness according to priority, and this act take effect and be in force from and after its passage.

On motion of Mr. Kessler the amendment was laid on the table. The bill was then ordered engrossed.

House bill No. 92, "Creating the office of public weigher and regulating the appointment and defining the duties and liabilities thereof" was taken up, being special order, and read second time.

Mr. Reeves moved to amend by inserting in line three, section two, after the word "Houston" the word "Sherman."

Mr. Cochran moved to amend by inserting in same place the word "Dallas."

Mr. Chambliss moved to add "Corsicana."

Mr. Smith of Travis moved to add the word "Austin." Adopted.

Mr. Epperson offered the following substitute for section two: There shall be appointed and commissioned by the Governor in such incorporated towns and cities of the State as in the judgment of the Governor may be expedient, a fit and convenient number of persons as public weighers, who shall hold their office for the term of four years, subject to removal at any time by the Governor for misconduct.

Mr. Smith of Grimes moved to lay the substitute on the table. Lost.

Mr. Roberts moved to adjourn to Monday, 10 A. M. Lost by the following vote:

Yeas—Messrs. Abnar, Anderson, Brown of San Saba, Brown of Harrison, Chambliss, DeMorse, Epperson, Farrar, Freeman, Gellatly, Goodwin, Hart, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Lea, Mitchell, Miller, Moody, Nicholson, O'Neal, Patterson, Price, Rogers, Roberts, Scott, Swain, Von Biberstein, Walker—30.

Nays—Mr. Speaker, Bean, Bruce, Cain, Cardis, Cochran, Denman, Donald, Douglass, Easley, Eastland, Edwards, Foote, Galvan, German, Harrison, Helton, Jenkins, Johnson, Kemble, Lindsey, Manning, Massey, Matthews, Murphy, Oxsheer, Pickett, Reeves, Rosborough, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Watts and Wortham—38.

Mr. Simpson moved to lay the substitute on the table, which carried.

Mr. Kessler moved to amend section two, by striking out of lines four and five, the words "as in the judgment of the Governor may be expedient," and inserting in lieu thereof "as may apply to the Governor for such appointment."

Mr. Smith of Grimes, moved to lay the amendment on the table, which carried.

Mr. Watts moved to amend section seven, lines two and three, by striking out "fifteen," and inserting in lieu thereof "ten." Carried.

Mr. Storey offered the following amendment: add to line twelve, section eight, the words "his agent or consignee."

Mr. Moody offered the following substi-

tute for the amendment: add to the end of section eight, the words "or procure it to be done by him, her or their agent."

Mr. Smith of Grimes, moved to lay the amendment and substitute on the table, which carried.

Mr. Epperson moved to strike out section eight.

Mr. Simpson moved to lay the motion on the table, which carried.

Mr. Stuart of Falls, moved to amend by inserting in section four, line four, after the word "weigh," the words "without delay." Carried.

Mr. Murphy offered the following amendment: Section eight, lines five and six, strike out the words "named in this act," and insert the words, "where such weigher has been appointed."

Mr. Stuart of Falls offered the following substitute for the amendment: After the word "act," in line six, insert the following: "Or any other city or town where any public weigher may be appointed by the Governor." The substitute was adopted.

Mr. Murphy moved to amend by inserting the word "sugar" after the word "wool," in line fourteen, section eight. Adopted.

Mr. Simpson moved the previous question, which was seconded, and the main question ordered.

The bill was then ordered engrossed by the following vote

Yeas—Messrs. Abnar, Anderson, Ballard, Bruce, Cardis, Chambliss, Denman, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Freeman, Galvan, Goodwin, Harrison, Hart, Helton, Henderson of Smith, Johnson, Kemble, Lea, Lindsey, Matthews, Miller, Murphy, Nicholson, Oxsheer, Patterson, Pickett, Price, Reeves, Rosborough, Scott, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Von Biberstein, Walker and Watts—45.

Nays—Mr. Speaker, Bean, Brown of San Saba, Brown of Harrison, Cain, Cochran, DeMorse, Epperson, Foote, Gellatly, German, Harris, Henderson of Kendall, Jenkins, Kessler, Lawhon, Manning, Massey, Mitchell, Moody, O'Neal, Rogers, Roberts, and Wortham—24.

The following communication from the Comptroller was ordered spread upon the journal:

COMPTROLLER'S OFFICE, }
AUSTIN, February 20, 1874. }
Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—In compliance with a resolution adopted by your honorable body on the third instant, I have the honor to enclose herewith certified copies of the accounts against the State, on file in this office, for repairs on the different asylums and other public buildings. Very respectfully,

STEPH. H. DARDEN, Comptroller.

AUSTIN, Texas, August 1, 1873.
 Capitol Building, State of Texas,
 To Loomis & Christian Dr.
 July 24, 1873—To new flag pole. \$50 00
 July 24, 1873—To Adjutant General's office 2 00
 July 30, 1873—To repairing desk in Executive office 1 50
 \$53 50
 Approved.
 (Signed) J. E. OLDRIGHT,
 Chairman pro tem Board of Committee on Public Grounds and Buildings
 (To be paid out of appropriation for repairs of public buildings.)

State of Texas,
 To William Voss & Co. Dr.
 For work done at the Capitol building—to recovering the Capitol with A. No. 1 cypress shingles, furnishing lumber, etc. \$2,500 00
 To repairs and putting new roof and painting dome. 1,000 00
 To setting 115 lights of glass, at \$2 50 287 50
 To painting gates, repairing and white washing fences 450 00
 To repairing library, removing shelving and fitting up room 350 00
 To cleaning Capitol grounds and removing 100 cart loads of rubbish 275 00
 To repairing and putting new backs to fire places throughout Capitol building. 137 50
 \$5,000 00
 Approved.
 (Signed) JAMES P. NEWCOMB,
 Secretary of State and ex-officio Chairman of Board of Committee on Public Buildings and Grounds.

AUSTIN, Texas, November 25, 1873
 Mr. William Voss & Co.,
 Bought of Ben Radkey,
 To 5875 feet tin valleying, solder on both sides,
 To valleys round dome,
 To roofing dome inside, flat lock and solder,
 To stripping comb of roof—tin in valleys;
 To stripping hips in valleys,
 To new outlets and strainers, copper and galvanized iron,
 To pipes, 5 and 4, in round building,
 To new heads and repairing old ones,
 All to be done per contract for the sum of four thousand State treasury warrants. \$4000 00
 Approved.
 (Signed) JAMES P. NEWCOMB,
 Secretary of State and ex-officio Chairman of Board and Committee on Public Grounds and Buildings.
 Please pay these vouchers to W. Voss & Co.
 (Signed) B. RADKEY.

AUSTIN, Texas, October 2, 1873.
 Capitol Building,
 To Loomis & Christian, Dr.
 Warrants.
 August 11, 1873—To repairs on Adjutant General's office \$150
 August 26, 1873—To repairs on Adjutant General's office 325
 August 22, 1873—To repairs on Executive office 360
 \$835
 Approved.
 (Signed) J. E. OLDRIGHT,
 Acting Secretary of State and Chairman pro tem Board of Public Buildings and Grounds.

State Lunatic Asylum,
 To William Voss & Co. Dr.
 To building one stable, eighty feet long by thirty, as per specification in contract; one fence, 1600 feet long by ten feet high, as per specification in contract; one paling fence, 600 feet long by nine feet high, as per specification in contract \$3,900
 Examined and approved; to be paid out of building appropriation.
 (Signed) JAMES P. NEWCOMB,
 President pro tem. Board of Managers.

AUSTIN, Texas, September 13, 1873.
 Lunatic Asylum,
 To Loomis & Christian, Dr.
 1873.
 May 1—To balance due on account. \$ 3 56
 June 27—To 148 feet strips. 7 40
 July 5—To 70 ps 1x3, 18, 315 feet, 3½. 11 02
 July 7—To 68 ps 1x3, 18, 306 feet, 3½. 10 71
 July 10—To 100 ps. 1x3, 18, 450 feet, 3½. 15 75
 July 10—To 3 ps 2x18, 207 feet, 3½. 7 25
 July 10—To 1 piece 2x18, 21, 63 feet, 3½. 2 21
 July 11—To 176 strips, 1x3, 18, 792 feet, 3½. 27 72
 July 16—To 170 strips 1x3, 18, 765 feet, 3½. 26 78
 July 21—To 10 ps 6x6, 20, 600 feet, 3. 18 00
 July 21—To one load, hauling. 2 00
 July 22—To 2 ps 6x6, 21, 126 feet; 1 piece 6x6, 23, 69 feet; 4 ps 6x6, 29, 348 feet; 1 piece 4x6, 23, 46 feet; 1 piece, 6x6, 23, 69 feet, 658 feet, 3½. 23 03
 July 22—To one load, hauling. 2 00
 July 23—To 154 ps. 1x3, 18, 693 feet, 3½. 24 26
 July 23—To one load, hauling. 2 00
 July 29—To 1 piece 6x6, 31, 93 feet, 3½. 3 26
 July 29—To 72 ps. 1x3, 20, 360 feet, 3½. 12 60
 July 29—To sawing 740 feet, 1½. 1 85
 July 29—To one load, hauling. 2 00
 July 29—To 110 ps. 1x3, 20, 550 feet, 3½. 19 25
 July 29—To sawing 1100 feet, 1½. 2 75
 July 29—To hauling. 2 00
 August 1—To 100 ps 1x3, 20, 500 feet, 3½. 17 50
 August 1—To hauling. 2 00
 August 15—To 500 feet of boxing, 3½. 17 50
 August 15—To hauling. 2 00
 August 28—To 30 blind slats, 4. 1 20
 September 9—To 523 feet of boxing, 3½. 18 31
 September 9—To hauling. 2 00
 September 9—To 544 feet of pine, 3½. 19 04
 September 9—To hauling. 2 00
 September 9—To 5000 feet of lumber, 2½. 175 00
 September 9—To hauling. 6 45
 \$490 40

State Lunatic Asylum,
 To Wm. Voss & Co. Dr.
 October 1—To extra work, carpentering on stable \$300 00
 October 1—To shingling roof, making can bins and painting. 200 00
 October 1—To extra work on chicken house. 50 00
 October 1—To extra work on old stable, repairs, flooring and painting. 150 00
 \$700 00
 Examined and approved.
 (Signed) JAMES P. NEWCOMB,
 President Board of Managers.
 (This bill to be paid out of building appropriation)

AUSTIN, Texas, November 4, 1873.
 Lunatic Asylum,
 To Loomis & Christian Dr.
 1873
 Sept. 23—To 124 pieces, 1x3, 18-B. S., 558 feet, 5. \$27 90
 Sept. 23—To hauling. 2 00
 Sept. 25—To 42 pieces, 1x3, 18 B. S., 189 feet; 16 pieces, 1x3, 22 B. S., 120 feet; 28 pieces, 1x3, 18 B. S., 126 feet—425 feet, 6. 26 10
 Sept. 25—To 1 load, hauling. 2 00
 Oct. 1—To 685 feet joist, O. S., 5½. 37 68
 Oct. 1—To 1 load hauling. 2 00
 Oct. 15—To 2000 feet of plank, 5½. 110 00
 Oct. 15—To hauling. 6 00
 \$213 68

State Lunatic Asylum,
 To Charles McCormick, Dr.
 To building two cisterns, as per contract, one 13 by 17, one 12 by 16. \$790 00
 Work on well at Cross place. 15 00
 Repairing well at stable. 25 00
 \$830 00
 Examined and approved.
 (Signed) M. A. TAYLOR,
 President of Board of Managers.
 (This amount to be taken out of the appropriation for buildings.)

AUSTIN, November 13, 1873.

State Lunatic Asylum,
To J. M. Bennett & Co., Dr.
Nov. 12, 1873—To 120 barrels of lime, at \$1.60
currency..... \$192 00
Ten per cent. off 12 00

\$180 00

Received payment.
(Signed) G. F. WEISSELBERG
Examined and approved; (to be taken out of build-
ing appropriation).
(Signed) M. A. TAYLOR,
President Board of Managers.

BUCKEYE AGRICULTURAL WORKS,
SPRINGFIELD, Ohio, December 8, 1873. }
Messrs. Ruthrauff & Miller, for Lunatic Asylum,
Bought of P. P. Mast & Co.
One No. 3 light steamer, complete..... \$195 00
Received payment
(Signed) RUTHRAUFF & MILLER.
Examined and approved.
(Signed) M. A. TAYLOR,
President of Board.
(This amount to be taken out of the appropriation
for building—amount \$195.)

December 24, 1873.

State Lunatic Asylum,
To John O. Walker Dr.
To one pair of mules..... \$560 00
To ambulance and harness..... 429 00

\$989 00

Received payment December 24, 1873.
(Signed) JOHN O. WALKER.
(This amount to be taken out of building appropri-
ation.)
Examined and approved.
(Signed) M. A. TAYLOR,
President Board.

AUSTIN, Texas, December 23, 1873.

State Lunatic Asylum,
Bought of Ben Radkey,
Sept. 1—To 6 day's work, at \$5 50..... \$33 00
Sept. 1—To 20 lbs. copper pipe, at 75c..... 15 00
Sept. 1—To 6 papers clout nails, at 75c..... 4 50
Sept. 3—To 10 lbs. copper pipe, at 75c..... 7 50
Sept. 3—To 15 lbs. solder, at 75c..... 11 25
Sept. 4—To 12 lbs. copper pipe, at 75c..... 9 00
Sept. 8—To 5½ day's work, at \$5 50..... 30 25
Sept. 9—To 60 lbs. copper pipe, at 75c..... 45 00
Sept. 10—To 55 lbs. galvanized iron, at 35c..... 19 25
Sept. 10—To 2½ day's work, at \$5 50..... 13 75
Sept. 13—To 5 day's work, at \$5 50..... 27 50
Sept. 25—To repairing and fitting pump..... 3 00
Sept. 25—To ½ day's work..... 2 75
Sept. 25—To 1 rod..... 2 00
Sept. 25—To iron bolts..... 75
Sept. 25—To screws..... 25
Oct. 1—To tinning copper vessels..... 48 00
Oct. 23—To 1 large brass cock..... 5 00
Oct. 23—To 1 force pump pipe and work..... 88 00
Oct. 23—To work on boiler and urn..... 8 00
Nov. 22—To 1½ day's work soldering roof, etc
Nov. 26—To peerless heating stoves, rush a
tops..... 40 00
Nov. 26—To 9 joints stove pipe, at 75c..... 6 75
Nov. 26—To 2 elbows, at 75c..... 1 50
Nov. 26—To stove pipe and zinc..... 11 50
Nov. 29—To 200 joints stove pipe, at 75c..... 150 00
Nov. 29—To 20 elbows, at 75c..... 15 00
Nov. 29—To 248 pounds zinc, at 35c..... 86 80
Nov. 29—To 12 pipe rings, at 50c..... 6 00
Nov. 29—To 6 days' work, at \$5 50..... 33 00
Nov. 29—To solder, coal, and repairing..... 2 50
Dec. 15—To 311 feet small gutter, at 25c..... 77 75
Dec. 15—To 213 feet 3 inch pipe, at 25c..... 53 25
Dec. 15—To 19 feet 3 inch elbows, at 50c..... 9 50
Dec. 15—To 4 miters, at \$2 50..... 10 00
Dec. 15—To 4 box heads, at \$2 00..... 8 00
Dec. 15—To 2 filter boxes, with strainers,
at \$10..... 20 00
Dec. 15—To 9 feet 5 inch pipe, at 75c..... 6 75
Dec. 15—To 4 elbows, at 75c..... 3 00
Dec. 15—To 198 feet large gutter, at 40c..... 79 20
Dec. 15—To 186 feet 4 inch pipe, at 40c..... 74 40
Dec. 15—To 14 feet 4 inch elbows, at 50c..... 7 00

Dec. 15—To 10 pounds solder, at 75c..... 6 25
Dec. 15—To 5½ days' work, at \$5..... 27 50
Dec. 15—To repairing sprinkler..... 1 25
\$1,119 15

AUSTIN, Texas, September 22, 1873.

Blind Asylum, To Loomis & Christian, Dr.
1873.
May 3—To one step ladder..... \$6 60
July 5—To painting blinds..... 43 00
July 5—To nineteen pair of blinds, per con-
tract..... 255 00
July 5—To two pair of blinds, extra—\$13 43. 26 86
July 5—To one pair double blind doors..... 17 70
July 5—To three pair butts—33½ cents..... 1 00
July 5—To two bolts..... 1 00
July 5—To one lock..... 75
\$351 91

Approved.
(Signed) E. M. WHEELLOCK, Superintendent.
Approved.
(Signed) W. R. THOMPSON,
President pro tem.

AUSTIN, July 15, 1873.

Superintendent State Blind Asylum, Austin, Texas:
Sir—We propose to build the additions and repairs
of your Asylum in accordance with plan and specifica-
tions, furnishing all the materials and doing all the
work, for the sum of seven thousand six hundred
currency dollars, taking State warrants in payment
at their highest market value, payment to be made as
the work progresses.

(Signed) LOOMIS & CHRISTIAN.
Accepted. W. R. THOMPSON, President pro tem.

Warrants on the above have been issued as follows:
1873.
September 2..... \$2,000 00
October 1..... 2,000 00
December 1..... 2,000 00
December 31..... 1,248 09

\$7,248 09

They report the above warrants sold for \$5,193 66
currency.

OFFICE OF COMPTROLLER PUBLIC ACCOUNTS, }
AUSTIN, February 20, 1874. }
I. S. H. Darden, Comptroller of Public Accounts, do
hereby certify that the above and foregoing is a cor-
rect copy of the originals now on file in this office.
In testimony whereof, I have hereunto signed
[SEAL] my name and affix the seal of my office, day
and date above written.
STEPH. H. DARDEN,
Comptroller

On motion of Mr. Douglass, Mr. Stephens
was added to the Committee on Public
Lands and Land Office.

On motion of Mr. Denman, the House
adjourned to 9 A. M. Monday.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 23, 1874. }

House met. Roll called; quorum present.
Prayer by Rev. Wm. Carey Crane, of In-
dependence.

Absent—Beck, Brown of Harrison, Gal-
van, Helton and Stuart of Falls.

The journal of Saturday was read and
adopted.

Mr. Miller moved to reconsider the vote
engrossing House bill No. 92, "Creating the
office of public weigher, and regulating the

appointment and defining the duties and liabilities thereof."

Mr. Harrison presented a petition of citizens of Hendsrson, Kaufman and Van Zandt counties, requesting the formation of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Donald presented a petition from citizens of Denton county, protesting against the dismemberment of any portion of said county. Read and referred to the Committee on Counties and County boundaries.

Mr. Farrar presented a petition from citizens of Limestone county, asking remission of taxes to build public buildings. Read and referred to the Committee on Finance.

Mr. Farrar also introduced a bill for the relief of Limestone county, which was read and referred to the same committee.

Mr. Brown of San Saba, presented a petition of Mrs. Eugenia Patterson, asking relief. Referred to the Committee on Private Land Claims.

Mr. Stephens presented a petition from citizens of Hamilton county, asking donation of State taxes to aid in building a court house and jail. Referred to the Committee on Finance.

On motion of Mr. Chambliss, the rules were suspended, House bill No. 51, "to authorize parties to sue in certain cases before the district courts for headright, bounty and donation certificates," was taken up and re-committed to Judiciary Committee No. 1.

Mr. Smith of Grimes, presented a petition of John Hodges, for relief. Read and referred to the Committee on Private Land Claims.

Mr. Watts presented a petition from citizens of Hardin county, asking remission of State taxes to build a court house. Referred to the Committee on Finance.

Mr. Moody presented a petition from attorneys of Fort Bend county, asking the conferring of additional jurisdiction on the presiding justice of that county. Referred to Judiciary Committee No. 1.

Mr. Bryan presented a memorial from Levi Jones, asking for a railroad charter from Bolivar to Red river.

Pending the reading of this a message from the Senate announced the passage by that body of House bill No. 146, "To branch the Supreme Court of the State of Texas," with an amendment by the Senate.

The memorial having been read was referred to the Committee on Internal Improvements.

Mr. Kessler presented a protest from Lawrence Hagarty, district clerk of Kinney county, against the passage by the House of the Senate bill disorganizing Kinney county, read and referred to the Committee on Counties and County Boundaries.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined the following House bills: House bill No. 92, "An act creating the office of public weigher and regulating the appointment, and defining the duties and liabilities thereof;" also, House bill No. 91, "An act to authorize the funding of the debts of the several counties in this State, and to provide for the payment of the same," and find each correctly engrossed.

L. J. STOREY, Chairman.

Mr. Edwards presented a petition from citizens of Rockwall county, in favor of a stock law: also, a counter petition on same subject. Read and referred to the Committee on Agriculture and Stockraising.

(Mr. Reeves in the chair.)

Mr. Cochran presented a petition from the bars of Kaufman, Tarrant, Navarro, Lamar, Cooke, Rockwall, Collin, Denton, Wood and Palo Pinto counties, asking that Dallas be made one of the points of the sitting of the Supreme Court. Referred to the Committee on State Affairs.

Mr. Harris presented a petition asking amendment of the law regulating ferries. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Sayers presented a memorial from citizens of Moulton, Lavaca county, asking to be annexed to Gonzales county. Referred to the Committee on Counties and County Boundaries.

A message from the Senate announced the passage by that body of House bill No. 142, to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873, with amendment by the Senate; also, of the passage of Senate bill No. 59, to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expense of the same.

Reports from Judiciary Committee No. 1:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Judiciary, No. 1, to whom was referred House bill No. 56, to be entitled "An act to amend article four hundred and nine of the penal code," have had the same under consideration and have instructed me to recommend its passage.

JOHN W. HARRIS, Chairman.

The bill having been read, Mr. Storey moved to strike out the enacting clause.

Mr. Lawhon moved to lay that motion on the table. Lost by the following vote:

Yeas—Messrs. Ballard, Bean, Brown of San Saba, Bruce, Douglass, Freeman, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Linn, Meissner, Murphy,

Rogers, Schmidt, Scott, Simpson, Smith of Travis and Von Biberstein—19.

Nays—Messrs. Abnar, Anderson, Brown of Gregg, Brown of Harrison, Cardis, Chambliss, Cochran, Denman, DeMoise, Donald, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, Gellatly, German, Goodwin, Harrison, Harris, Hart, Helton, Jackman, Jenkins, Johnson, Kemble, Lea, Lindsey, Manning, Massey, Matthews, McCuiston, Mitchell, Miller, Moody, Nicholson, O'Neal, Oxsheer, Patterson, Pickett, Price, Rainey, Reeves, Rosborough, Roberts, Sayers, Stephens, Storey, Stuart of Falls, Swain, Triplett, Walker and Watts.—55.

Mr. Kessler moved to recommit the bill to the Committee on State affairs.

Mr. Nicholson moved to lay that motion on the table, which carried.

The motion of Mr. Storey then carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 1, to whom was referred House bill No. 169, to be entitled "An act to amend the first section of 'An act regulating elections,'" have had the same under consideration, and have instructed me to report said bill back to the House and to recommend that it be referred to the Committee on Privileges and Elections.

JOHN W. HARRIS, Chairman.

The House refused to adopt the report. The bill was then read second time and ordered engrossed.

On motion of Mr. Manning, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Judiciary No. 1, to whom was referred House bill No. 74, to be entitled "An act to amend article four hundred and sixty-six of the code of criminal procedure," have had the same under consideration and respectfully recommend that it be not passed.

J. W. HARRIS, Chairman.

The report was adopted and bill indefinitely postponed.

Reports from Judiciary Committee No. 2:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred House bill No. 58, entitled "An act validating the authentication and registration of certain instruments of writing," and the message of the Governor returning the same, have had the same under consideration, and instruct me to return it, and to recommend that it be referred to the Judiciary Committee No. 1.

B. H. EPPERSON, Chairman.

The report was adopted and reference made.

(Mr. Speaker in the chair.)

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred House bill No. 149, entitled "An act to require the Supreme Court to prefix to their opinions a syllabus thereof," have had the same under consideration, and instruct me to report the same back and to recommend that it do not pass.

B. H. EPPERSON, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred House bill No. 191, entitled "An act to amend section three of 'An act to regulate the assessment and collection of taxes,'" approved May 31, 1873, have had the same under consideration, and instruct me to report the same back and to recommend that it be referred to the Committee on Finance, because the said committee is likely to have the whole subject of taxation under consideration, and it is proper for the said committee to consider the changes in the law upon the subject contemplated by this bill.

B. H. EPPERSON, Chairman.

The report was adopted and the reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Judiciary No. 2, to whom was referred House bill No. 173, entitled "An act to repeal an act entitled 'An act to provide for the employment of private clerks for judges of the Supreme Court,'" have had the same under consideration and have instructed me to report the same back and to recommend that it be amended by striking out the preamble; and that with this amendment it do pass.

B. H. EPPERSON, Chairman.

The report was adopted, which adopted the amendment offered by the committee, the bill was read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred House bill No. 205, entitled "An act to protect fish in the inland streams of the State of Texas during the spawning season," have had the same under consideration, and instruct me to report the same back, and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

Mr. Reeves moved to amend by striking out "dip-net." Carried.

Mr. Bean offered the following amendment: "Provided, that the provisions of this act shall not apply to permanent fish traps set in streams."

Mr. Foote moved to lay the amendment on the table. Lost.

The House then refused to adopt the amendment. The bill was ordered engrossed.

The special order, House bill No. 190, "to re-apportion the State of Texas into congressional districts," was announced.

On motion of Mr. DeMorse, it was postponed until Friday, February 27, at 11 A. M., and made special order for that hour.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred the petition of C. Jordan and others, sureties on the bond of Frank Dirks, sheriff of Galveston county, have had the same under consideration, and have instructed me to report the accompanying joint resolution, relating to the subject of the petition, and to recommend its passage.

B. H. EPPERSON, Chairman.

The joint resolution for the relief of C. Jordan and others, sureties on the bond of Frank Dirks, sheriff of Galveston county, having been read, the House refused to adopt the report.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred House bill No. 141, entitled "An act for the relief of O. S. Prophitt, of Dallas county," have had the same under consideration, and instruct me to report the same back and recommend that it do not pass, because if the object contemplated by the bill was not otherwise objectionable, it is of that character of special legislation forbidden by the Constitution of the State as amended.

B. H. EPPERSON, Chairman.

The bill having been read, the report was adopted.

Reports from Committee on State Affairs:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 166, to be entitled "An act for the preservation of birds and game," have had the same under consideration, and unanimously instruct me to report the same back to the House with the recommendation that it do not pass.

SAYERS, Chairman.

The report was adopted and bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred a bill to be entitled, "An act to enable the county courts of this State to provide manual labor poor houses and farms, and regulate the control and management of the same," have carefully and maturely considered the same, section by section, and unanimously instruct me to report the same back to the House, and recom-

mend the passage of the bill with the accompanying amendment.

W. B. SAYERS, Chairman.

Amendment offered in section twenty-six by the committee: Strike out the last word in the first line, and all of the second, third and fourth lines. The amendment was adopted:

Mr. Reeves moved to postpone the further consideration of the bill until Monday, March 2, 11 A. M., make it special order for that hour, and that one hundred and twenty copies be printed, which carried:

Reports from the Committee on Finance:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance to whom was recommended House bill No. 151, entitled "An act making appropriations to supply the deficiencies in the appropriations for 1873, and previous years for costs due sheriffs, clerks and attorneys in district courts, in felony cases; for fees of justices of the peace, constables and other peace officers in criminal prosecutions, and for amounts due justices of the peace for assessing the taxes for 1873," have further considered the same and instruct me to report back said bill and recommend the passage of the accompanying substitute in lieu thereof.

W. L. MOODY, Chairman.

The substitute offered by the committee being "A bill making appropriations to pay costs due sheriffs, clerks and attorneys in felony cases, in district courts for 1873, and previous years; to pay the fees of justices of the peace and other peace officers in criminal prosecutions for 1872 and previous years, and to pay justices of the peace for assessing taxes for 1873," was adopted.

The House went into committee of the whole on the bill.

(Mr. Epperson in the chair.)

After discussion, the committee rose, reported the bill back and recommended its passage.

The bill having been read second time, the report of the committee was adopted and the bill ordered engrossed.

Mr. Harrison moved to suspend the rules and put the bill on its third reading, which carried.

The bill having been read the third time, passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Bean, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, German, Harris, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, Miller, Moody, Mur-

phy, Nicholson, O'Neal, Oxsheer, Patterson, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Bibeinstein, Walker and Watts—72.

Nays—None.

Messrs. Meissner and Scott did not vote on account of having an interest in the subject matter.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred Senate bill No. 137, entitled "An act making an appropriation to pay the contingent expenses of the Department of State," have considered the same, and instruct me to report back said bill and recommend that it do pass.

W. L. MOODY, Chairman.

The bill having been read second time, the report was adopted and the bill passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 210, entitled "An act to fix the rate of mileage and *per diem* of witnesses in attendance on the various committees of the two houses of the Fourteenth Legislature," have considered the same, and instruct me to report back said bill, as amended, to-wit: Amend section one, line seven, by striking out "two dollars" and insert "three dollars," and recommend the passage of the same.

W. L. MOODY, Chairman.

The bill having been read the second time, the report was adopted.

Mr. Simpson offered the following amendment: At the end of line five, section one, insert "or before the Senate in cases of impeachment." Adopted.

On motion of Mr. Simpson, the caption was also amended in same manner.

Mr. Kemble offered the following amendment: Strike out "practicable" and insert in lieu thereof "nearest mail or stage route." Lost.

Mr. Kemble offered the following amendment: add to section 1 "and each witness shall be required to make oath to his report of mileage under this bill." Lost.

Mr. Denman offered the following amendment: strike out "ten cents per mile" and insert in lieu thereof "fifteen cents per mile." Lost.

Mr. Storey moved to strike out section two. Carried.

The bill was then ordered engrossed.

On motion of Mr. Rainey, the rules were further suspended, bill read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom

was referred House bill No. 211, entitled "An act making an appropriation to pay mileage and *per diem* of witnesses before the various committees of the two houses of the Fourteenth Legislature," have considered the same, and instruct me to report back said bill and recommend its passage.

W. L. MOODY, Chairman.

The bill having been read the second time, the report was adopted.

The House went into committee of the whole on the bill.

(Mr. Epperson in the chair.)

After discussion, the committee rose and recommended the passage of the bill with the following amendments: Section one, after the words "summon witnesses," insert "and before the Senate in cases of impeachment."

Amend the caption by adding as follows: "And before the Senate in cases of impeachment."

The report was adopted, which adopted the amendments. The bill was then ordered engrossed.

On motion of Mr. Storey, the rules were suspended, the bill was read third time and passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Bean, Brown of Gregg, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, German, Harris, Harrison, Hart, Helon, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Lawhon, Lea, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, Moody, Murphy, Nicholson, O'Neal, Oxsheer, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Story, Stuart of Falls, Swain, Triplett, Von Bibeinstein, Walker, Watts and Wortham—71.

Nays—None.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance to whom was referred House bill No. 159, entitled "An act to exempt a certain limited amount and description of personal property from sale for taxes until January 1, 1875," have considered the same and instruct me to report said bill back and recommend that the same do not pass.

W. L. MOODY, Chairman.

The report was adopted.

Mr. Stuart of Falls, moved to suspend the rules and take up House bill No. 146, "To branch the Supreme Court of the State of Texas." Lost.

On motion of Mr. Rainey, House bill No. 142, "To provide for the immediate apportionment of the school fund, which should

have been apportioned in December 1873," was taken up

The following amendment by the Senate was read. Amend by striking out all after the words "April 30, 1873," in section two, line seven, and inserting in lieu thereof the following: "Provided, that if the Superintendent of Public Instruction be not furnished with the complete and full scholastic returns of each and every county in this State for the year 1873, upon which to make the apportionment, he shall then proceed to make the same upon the scholastic returns of September 1, 1871." The House refused to adopt the amendment.

Report from the Committee on Printing and Contingent Expenses.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Printing and Contingent Expenses, have considered Senate bill No. 61, "An act to provide for the public printing by contract," and instruct me to report the same back to the House and recommend that the same do pass.

Respectfully submitted,

WORTHAM, Chairman.

The bill having been read second time, the report was adopted.

Mr. Galvan offered the following amendment: amend section eight by inserting after the word "Legislature," in line eleven, the following, "and five hundred copies of the laws of a general nature, in the Spanish language, and one thousand copies in the German language." Adopted.

The bill then passed to its third reading.

Report from Committee on Engrossed Bills.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 210, "An act to fix the rate of mileage and *per diem* of witnesses before the various committees of the two houses of the Fourteenth Legislature," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Lea moved to suspend the rules and take up House bill No. 146 "to branch the Supreme Court of the State of Texas." Lost.

Reports from Committee on Private Land Claims:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Private Land Claims to whom was referred House bill No. 50, "An act for the relief of the assignee of Antonio Manchaca," have instructed me to report it back to the House and recommend its reference to Judiciary Committee No. 2.

L. J. FARRAR, Chairman.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Private Land Claims, to whom was referred the petition of Louis Rosseau, have duly examined into the validity of his claim for the relief prayed for. It appears: First, That said Rosseau is the identical Louis Rosseau to whose heirs the Legislature of the State of Texas, by act dated February 8, 1854, granted his headright to 320 acres of land. Second, That said Rosseau was then, and is now, living, and that he is duly entitled to a headright grant of 320 acres of land. Your committee have therefore instructed me to report the accompanying bill for the relief of said Louis Rosseau, at the same time providing for the cancellation of the grant made in error to the heirs of said Rosseau, and to recommend its passage.

L. J. FARRAR, Chairman.

The bill, being House bill No. 213, relating to the headright claim of Louis Rosseau to 320 acres of land, was read first time.

Mr. Schmidt moved to suspend the rules and put the bill on its second reading. Lost.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Private Land Claims, to whom was referred the following House bills, to-wit: No. 93, "An act for the relief of Peter Rouche;" No. 104, "An act for the relief of Bernard Reilly;" No. 124, "An act for the relief of William T. Townsend;" No. 143, "An act for the relief of the heirs of James N. Shell, deceased;" No. 145, "An act for the relief of J. Christian Bochringer;" No. 193, entitled "An act for the relief of the heirs of Stanford Lindsey, deceased;" No. —, "For the relief of Mary Gentry," accompanied by her petition, and No. —, entitled "An act for the relief of B. L. Stramler," accompanied by his petition, have instructed me to report all of said bills back to the House, with the recommendation that they do not pass. The committee further instruct me to say, that while they believe some of these applications are meritorious, and, under other circumstances, should meet with a favorable consideration by the Legislature, yet they are unanimously of the opinion that since the adoption of the Constitutional amendments, there is an inhibition against the character of relief sought for in the above bills. In support of this opinion, they respectfully refer to the last two clauses of section forty of the amendments to the Constitution, which read thus: "In all other cases where a general law can be made applicable, no special law shall be enacted; or in any case where a general law can be made applicable no special law shall be enacted. The Leg-

islature *shall* pass general laws providing for the cases before enumerated in this section," etc. Your committee are of the opinion that a general law can be enacted which will afford the relief which is asked for in these special bills, and that the language of this amendment to the Constitution imperatively forbids special legislation in such cases.

All of which is respectfully submitted.

L. J. FARRAR, Chairman.

On motion of Mr. Lawhon the bills were all recommitted to the same committee.

A message from the Senate announced the presentation of additional charges against J. B. Williamson, judge of the Sixth Judicial District, and asked that they be spread upon the journal of the House.

On motion of Mr. Storey, the charges were ordered spread upon the House journal, and the clerk was directed to furnish the committee on address for removal of J. B. Williamson with a copy of said charges.

ADDITIONAL CHARGES AGAINST JUDGE WILLIAMSON.

Under the right reserved in the first statement of reasons given for asking the removal of J. B. Williamson as Judge of the Sixth Judicial District, the following are submitted as additional reasons for his removal:

The last charge presented against the said J. B. Williamson as judge, etc., in the original address, viz: That touching the approval of the bond of S. H. Russell, dated the nineteenth of November, 1872, is withdrawn.

The said J. B. Williamson has so demeaned himself as Judge of the Sixth Judicial District, that he has brought the administration of the law in said district into disrepute to such an extent that the people, the bar, and the litigants, in said district, have lost confidence in the administration of the law, and the administration of justice in said district, wherefore and by reason of such conduct, the said J. B. Williamson is an unfit person to be a district judge of the State of Texas.

That the said J. B. Williamson as Judge of the Sixth Judicial District has in the exercise of his judicial functions been negligent, vindictive, partial, corrupt and tyrannical.

He was vindictive in the case of the State v. F. M. Boynton in Rusk county, as before shown; was vindictive and partial in the case of the State v. C. G. Stevens in Harrison county, and in the case of the State v. Thomas Allen and other cases which will be shown in evidence.

He was partial, vindictive and corrupt in the matter of taking the bonds of the defendants in the cases of the State v. H. J. Hearsey, and the State v. . . . Davis, occurring in Harrison county in the month of

., 18.., wherein he was vindictive toward the said Hearsey, partial toward the said Davis, and corrupt as to both.

He was negligent and corrupt in taking and retaining without action the petition in the case of the executors of Abner A. Cook v. the Southern Pacific Railroad Company (wherein an injunction was prayed for) for the period of now nearly five years, in the meantime permitting said railroad to go forward and do and perform the things prayed against in said petition.

He was tyrannical in the matter of fining W. H. Pope, as heretofore shown, and in many other instances which can and will be shown by the evidence.

That said Williamson on, to-wit: the seventeenth day of December, A. D. 1867, did take and subscribe a certain oath, commonly known and called the "ironclad oath," which he was required to take before entering upon the discharge of his duties as district judge, which oath he well knew he was required by the terms thereof to swear that he had not sought, accepted or held office under the government of the Confederate States, and could not take and swear truly, because he knew the truth to be that he had sought and accepted office under the government of the Confederate States, and accordingly enrolled on the reverse side of said oath the statement that he had sought and accepted the office of clerk of the District Court of Harrison county, Texas; that afterwards, to-wit, on the eighteenth day of October, 1869, the said Williamson, as district judge, took and subscribed the said oath without any qualification, explanation or endorsement whatever, well knowing that the provisions thereof were not true as to himself. By reason whereof the said Williamson is morally unfit to hold the high office of district judge.

That the said J. B. Williamson, in violation of the Constitution of the State of Texas, did, in the year 1872, hold and exercise at the same time the functions of two offices not allowed under the said Constitution, to-wit: the office of District Judge of the Sixth Judicial District of the State of Texas, and the office of school director for the county of Harrison in said State, for which said Williamson should be removed from the office of district judge.

That the said J. B. Williamson acted ignorantly, improperly, or corruptly in this. On the fifth day of January, A. D. 1874, a petition for an injunction against the collection of the school tax for the year 1872, on behalf of the Texas and Pacific Railway Company and the other tax payers of Harrison county, was presented to the Hon. M. L. Crawford, Judge of the Seventh Judicial District. The injunction was granted by Judge Crawford. It was alleged in the

petition that said J. B. Williamson was one of the board of school directors for Harrison county which levied said tax, by reason whereof he was incompetent to act as judge in reference to any matter alleged or involved in said petition. Notwithstanding this said Williamson has made several orders to hear a motion to dissolve said injunction.

The said J. B. Williamson acted ignorantly or corruptly in this: That during the month of January, 1872, the said Williamson issued a writ of *habeas corpus* directed to the sheriff of Nacogdoches county, requiring him to produce the bodies of Marion Grimes and others therein named; said prisoners and said sheriff residing about seventy-five miles from Marshall, the residence of said Williamson; that said sheriff obeyed said writ, and showed by his return thereon that he held said prisoners by virtue of legal and proper warrants, legally and properly issued, for the arrest of said prisoners, charged with crimes of murder and assault with intent to murder, in the county of Nacogdoches, and in the Fourth Judicial District, the judge of which resides within thirty-five mile of Nacogdoches; that the said Williamson did not investigate said cause as required by law, suppressed the records in regard to said writ, immediately discharged said prisoners, and ordered the said sheriff to pay the costs of said proceedings.

All which actings and doings of said Williamson were and are incompatible with the position and dignity of a judge of the district court in the State of Texas; bringing the administration of the law into disrespect, making it uncertain, oppressive and partial, contrary to the good order and peace of society, and against the peace and dignity of the State of Texas.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 181, entitled "An act to amend section twenty-nine of 'An act prescribing the times of holding the district courts in the several judicial districts of the State,'" approved August 10, 1870, and find the same correctly enrolled, and presented the same to the Governor for his approval on Saturday, the twenty-first inst., at 11 o'clock A. M.

E. D. LINN, Chairman.

Report from Committee on Public Lands and Land Office:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office to whom was referred House bill No. 117, a bill to be entitled "An act for the relief of purchasers of University

lands, and to validate patents issued to the same," have had the same under consideration, and have instructed me to report the same back, and to recommend its passage.

A. M. DOUGLASS, Chairman *pro tem*.

The bill having been read second time, the report was adopted.

Mr. Storey moved to refer the bill to Judiciary Committee No. 2, which carried.

On motion of Mr. Abnar, leave of absence was granted Mr. Brown of Harrison, until Monday next.

On motion of Mr. Simpson the House adjourned to 9 A. M., to-morrow.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 24, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

The journal of yesterday was read and adopted.

On motion of Mr. Linn, Mr. Goodwin was excused from attendance on account of official business on committee.

Mr. Von Biberstein presented a protest from citizens of Burleson county against the formation of the county of Lee. Referred to the Committee on Counties and County Boundaries.

Mr. Chambliss presented a petition from citizens of Corsicana, asking the repeal of all laws incorporating that city. Referred to the Committee on Towns and City Corporations.

On motion of Mr. Reeves, Mr. Hayes was excused until Thursday, on account of sickness in his family.

Mr. Chambliss presented a petition from citizens of Chatfield, calling attention to the charges of the Houston and Texas Central Railroad Company. Referred to the Committee on Finance.

Mr. Linn presented the following additional charges against M. Priest, Judge of the Fourth Judicial District, which were read and ordered spread on the journal:

To His Excellency Richard Coke, Governor of the State of Texas:

The House of Representatives of the State of Texas, the Senate concurring therein, do now amend their address to your Excellency, of the 29th day of January, A. D. 1874, and amending, present the following additional causes for the removal of M. Priest, Judge now acting in the Fourth Judicial District of Texas:

Ninth, Because said Priest, who, when a member of the Twelfth Legislature, in providing for himself, secured a place for his son and son-in-law; having E. J. Davis, the then acting Governor, to appoint one W. L. David, his (Priest's) son-in-law, treasurer

of Cherokee county, and the said son-in-law having filed a bond with the clerk of the district court without the approval of the police court, the said bond being for the penal sum of two thousand dollars, the said police court did, at its next regular term thereafter, in view of the facts, that the sheriff of Cherokee county was ready to pay over the funds of the said county, nearly six thousand dollars, and the said bond being insufficient in amount, and not approved by the police court as required by law, the said court declined to recognize the said son-in-law of said Priest, as treasurer of Cherokee county, unless he would give bond for seven thousand dollars with good and sufficient securities. Whereupon the said Priest, father-in-law of the said son-in-law David, flush with the idea of centralization, and the *will* of the *power* being the *law*, visited the police court room, and by threats attempted to induce the said court to recognize his said son-in-law as the treasurer of Cherokee county, which the said court declined to do, believing their oaths and duty to the people more obligatory, than the will of the headcentre or his tools, and instructed the sheriff and all others holding funds belonging to the county, to refuse to pay the same to said David, son-in-law of said Priest, unless he complied with the requirements of the law, and the orders of the police court under the law.

The District Court of Cherokee county, being in session, the said M. Priest, to evince his loyalty to the party that placed him in power, and his interest in the pecuniary gains of his son-in-law, W. L. David, disregarding the law and the oath he had taken, did, upon his own motion, cause to be entered upon the minutes of the November term of the District Court of Cherokee county, the following order, to-wit:

EXHIBIT A.

THE STATE OF TEXAS, CHEROKEE COUNTY.—Be it remembered, that at a regular term of the District Court of Cherokee county, begun and holden on the 21st of November, 1870, among other proceedings, the following were had: The court, Judge M. Priest presiding, upon his own motion caused the following order to be entered upon the minutes of said term on the third day of December, 1870:

"WHEREAS, jurors, grand and petit, have been in attendance on this court, and as existing laws make jury certificates preference claims, to be paid out of any monies in the hands of the treasurer, and understanding that there is no money in the treasury to pay jurors, but that there is money due the county in the hands of certain officers of this county. It is therefore ordered by the court that the sheriff of this county, the justices of the peace and other

officers of this county, as soon as practicable pay over the money in their hands due and belonging to Cherokee county, and all money hereafter received by them, from time to time, into the hands of W. L. David, who is the duly commissioned, bonded and sworn treasurer of said county, and said treasurer will pay out the same to claimants against the county as directed by existing laws, giving at all times preference to jury certificates. That a copy of this order be regularly issued to said officers.

THE STATE OF TEXAS, CHEROKEE COUNTY.—I, W. L. Byrd, Clerk of the District Court of said county, do hereby certify that the foregoing is a full, true and correct transcript of an order spread upon the minutes of the said term of the court in minute book D, page 37.

Given under my hand and official seal at [SEAL] office in Rusk, this seventh day of February, A. D. 1874.

W. L. BYRD, Clerk of District Court.
By CHAS. A. MILLER, Deputy.

Which, without comment, portrays his ignorance and disregard for law. But on the twenty-second day of December, A. D. 1870, his imbecility caused him to forget his act of the third day of said month, and on said twenty-second day of December, 1870, he approved a bond for his said son-in-law as treasurer, for the nominal sum of five thousand dollars, the said sureties being nearly, if not altogether, insolvent, as was the principal, W. L. David, doubtless believing that the police court would accept said act as a compromise; but failing in his efforts to get the police court to recognize his son-in-law without bond, he did, on the thirteenth day of May, 1871, cause to be entered, in vacation, an order removing Thomas E. Hogg, Esq., justice of the peace of Cherokee county, from office, because, as stated in said order, the police court, of which said Hogg was presiding officer, failed to recognize his, the said Priest's, son-in-law as treasurer of Cherokee county. And after said proceedings removing said Justice Hogg were appealed to our Supreme Court, the said Priest evinced his unbearable ignorance by causing the following order to be entered upon the minutes of Cherokee County District Court, in vacation:

EXHIBIT B.

THE STATE OF TEXAS, CHEROKEE COUNTY.—Be it remembered, that in vacation, on the twenty-seventh day of May, 1871, M. Priest, judge of Fourth Judicial District, on his own motion, caused the following order to be entered upon the minutes of the District Court of Cherokee county:

Whereas, By communication of the Governor, E. J. Davis, in relation to the removal of Thomas E. Hogg, justice of the peace for Cherokee county, precinct No. 2, I am informed that the law authorizing dis-

strict judges to remove justices of the peace and order elections has been repealed.

It is therefore ordered that the order heretofore made by me for the removal of said Justice Thos. E. Hogg, be and the same is hereby revoked, and that this order be entered on the minutes of the District Court of Cherokee county.

M. PRIEST.

Judge Fourth Jud. Dis't. Texas.

THE STATE OF TEXAS, CHEROKEE COUNTY.—I, W. L. Byrd, Clerk of the District Court of said county, do hereby certify that the foregoing is a full, true and correct transcript of an order spread upon the minutes of said vacation in minute book D, page 115.

Given under my hand and official seal at [SEAL] office in Rusk, this ninth day of February, A. D. 1874.

W. L. BYRD,
Clerk District Court.

By CHAS. A. MILLER, Deputy.

Whereby he admits his ignorance of the laws of the State, and that he draws from the Executive his judicial decisions, being a mere fool in the hands of the man who gave him his judicial existence, and unworthy longer to exist in that capacity.

Tenth, Because by the following acts: In issuing writ of *habeas corpus* on the twenty-ninth day of August, 1870, to relieve R. M. Saunders who had murdered one Kelly and committed in June previous by Judge S. A. Earle, without bail. Said Priest granting bail in the sum of seven thousand dollars; the said Saunders not being able to give the said bail, with solvent sureties, the said Priest did on the twentieth day of September, 1870. issue what he calls a writ of *habeas corpus*, but it was in truth a writ based upon complaint against R. B. Reagan, sheriff of Cherokee county in nature of an application for mandamus to compel said Sheriff Reagan, to approve the said worthless bond, but attorneys for respondent Reagan, denying that the said Priest was the conscience keeper of the sheriff, holding that the said Reagan was under his oath responsible to his God, and for his official acts amenable to the State of Texas, the said Priest ignored the said sheriff, and approved the said worthless bond himself, attorneys representing the State protesting against such usurpation, but the said Saunders was released.

After indictment at November term, 1870, the said Priest reduced the bail of said Saunders to (\$4000) four thousand dollars, and refused the privilege to counsel representing the State to test the sufficiency of sureties. Before the cause was called for trial, said Saunders became a fugitive from justice, forfeited his bail, was recaptured, and upon trial was convicted of murder in the first degree, by an honest and intelligent jury.

Upon the verdict thus found being read, the said Priest angrily said: "I thank God that I am judge of this district, and have the power and the nerve to set aside the verdict," before the attorneys for defendant had made any move for a new trial—following which the said Priest, Jeffrey-like, in a rage, did insult the jury and counsel representing the State; and the said Priest followed up his insults to the State's counsel, upon three subsequent hearings, of three several *habeas corpus* cases, he having become chronic in his use of his writ, and issued five in said case, which acts, together with the acts of L. W. Cooper, Judge of the Third Judicial District, in setting aside the verdict of the second jury of honest men who rendered a verdict of guilty of murder in the first degree, and the further act of the said Priest in reducing the bail of the said Saunders to \$2000, after two convictions, so attracted the attention of the citizens of Cherokee county that they were led to investigate, and became so thoroughly convinced that the said Saunders was guilty of the crime with which he was charged, and that he was attempted to be acquitted by political judges; that the opinions thus formed disqualified them as jurors, hence the State at the July term, 1873, three years after the murder, was left without the privilege of selecting an honest and intelligent jury, and the defendant Saunders, at the expense of justice, was acquitted.

Eleventh, Because the said Priest has, by his neglect to transact business in Cherokee county, caused the good citizens to decline asserting legal rights, the said Priest rarely ever trying more than one or two causes on the civil docket at each term—declining to do any business on the said civil docket after the first week. Also, the said Priest had neglected to sign the minutes of July term, 1872, as well as July term, 1873, of District Court of Cherokee county, by reason of which said neglect the action of said court at said terms is a nullity, unless relieved by legislation.

Twelfth, Because the said Priest, in ignorance of his duties, believing that by serving the Radical party he would be more in the proper line of duty than by observing his oath and the law, he has made it a rule to favor all parties of African descent tried before him, and especially of Jake Hogg, f. m. c., for hog stealing, the said Jake having been caught in the act of stealing; after conviction, the verdict was set aside.

In the case of the State v. Almira Taylor, f. w. c., who placed her newly-born bastard infant in the woods to perish, the said Priest ignored the acting district attorney, and allowed a *nolle pros.* (over the protest of the district attorney) to be taken by employed counsel as to the intent to murder, and a plea of guilty of an aggra-

vated assault upon her said infant, and fine of \$100 entered.

Thirteenth, Because the said Priest, in contempt and disregard of the high position of Judge of the Fourth Judicial District, and in ignorance of the duties and obligations entailed by the position he was attempting to fill, did, on the day of, 1871, cause a portion of the State police to congregate at Rusk, Cherokee county, to intimidate the sheriff of said county, R. B. Reagan, because he, the said Reagan, would not obey the behests of the said Priest in attempting to fraudulently foist his, said Priest's, son-in-law, W. L. David, upon the people without bond, as county reasurer of Cherokee county; and the said Priest, in ignorance of the law, did inform said Reagan that he had orders from his, Priest's master, E. J. Davis, to remove him, the said Reagan, from the office of sheriff because the said Reagan would not disobey the lawful orders of the police court, which said orders the said Reagan was under his oath bound to obey, and not subject to the will of the said Priest.

Fourteenth, Because, in causes No. 1203, 1204, and 1205, the State of Texas v. L. R. Peacock, indicted for theft, in which cases M. Priest, acting judge, as well as the district attorney, were of counsel for defendant, and disqualified from acting in said cases, which fact being known to E. W. Bush, attorney, prosecuting in behalf of the State, and said Bush having left Cherokee court to attend Anderson court, on the fourteenth day of August, 1873, the said Priest, in the absence of said Bush, appointed two young men to represent the State and prosecute his, Priest's client, but neither of them are shown to have been sworn as district attorney *pro tem*.

After said appointment the attorneys for defendant and said young men, Whitman and Bloomfield, agreed to a special judge to try said case, who also acted without being sworn, and the said special judge, Peyton Edwards, did dismiss the said cases from the docket. Which said acts of said Priest show that he was either ignorant of the law, in permitting a special judge in a criminal case, by agreement of parties, or thought he could favor his client, in either event, the House of Representatives, the Senate concurring, ask your Excellency not to allow such to again be enacted, and halt not at a semicolon, but bring his judicial existence to a full period.

Fifteenth, Because not more than twenty-four weeks in the year, allowing two weeks at each term to San Augustine county, two weeks to each term in Nacogdoches county and four weeks to each term in Cherokee county, is necessary to transact the business in the district courts of the Fourth Ju-

dicial District, which is reasonable cause for the removal of said Judge M. Priest, as well as most of the judges in the State.

Report from Committee on Public Lands and Land Office:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office, to whom was referred House bill No. 2, "An act to require the Commissioner of the General Land Office to furnish the surveyor's office of Liberty county with copies of field notes of surveys in said county," have had the same under consideration and have instructed me to report the same back and to recommend that it do not pass.

A. M. DOUGLASS, Chairman *pro tem*

The report was adopted.

Reports from Committee on Roads, Bridges and Ferries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Roads, Bridges and Ferries have had under consideration House bill No. 172, a bill to be entitled "An act to authorize Martin S. Culver, his associates and successors, to construct, own and keep a toll drawbridge on, over and across the Nueces river, between the counties of Nueces and San Patricio," and instruct me to report it back and ask that it do not pass.

DENMAN, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Roads, Bridges and Ferries have had under consideration House bill No. 170; a bill to be entitled "An act to incorporate Sharpsburg Bridge and Ferry Company," and instruct me to report the same back and ask that it do not pass.

DENMAN, Chairman.

Mr. Galvan moved to reconsider the vote striking out the enacting clause of House bill No. 56, to amend article 409 of the Penal Code.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined the following House bills, to-wit: House bill No. 169, "An act to amend section one of an act entitled 'An act regulating elections,'" approved March 31, 1873; House bill No. 205, "An act to protect fish in the inland streams and waters of the State of Texas, during spawning season;" House bill No. 173, "An act to repeal an act entitled 'An act to provide for the employment of private clerks for the judges of the Supreme Court,'" House bill No. 211, "An act making an appropriation to pay the mileage and *per diem* of witnesses before the committees of the two Houses, and before the Senate in cases of

impeachment, of the Fourteenth Legislature;" and also House bill No. 151, "An act making appropriations to pay costs due sheriffs, clerks and attorneys in felony cases in district courts for 1873, and previous years; to pay the fees of justices of the peace and other peace officers in criminal prosecutions for 1872, and previous years; and to pay justices of the peace for assessing the taxes for 1873;" and find each correctly engrossed.

L. J. STOREY, Chairman.

Report from the Committee on Agriculture and Stockraising:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 209, entitled "An act to provide for common pastures," advise me to return the same to the House, and recommend that it do pass with the following amendments, to-wit:

Strike out the word "great," in ninth line of section five. After the last word in the twelfth line add the words, "of gate or gates." In the eleventh line, between the words "pasture" and "to," add the word "fence."

Section six, in line eight, strike out the word "by," and insert "convenient to" In line ten, after the word "provided," insert "three-fourths of the lands so enclosed shall be owned or legally controlled by the person or company enclosing same."

Section eight, in line seven, strike out "*prima facie*." Strike out all the remainder of the section after the word "title," in line eight.

Strike out all of section nine.

In section ten strike out from third line all after the word "right" to the word "to," in the fourth line.

Strike out section fourteen.

Section fifteen, insert after the last word in the second line, the words "containing not less than two thousand acres."

The committee also recommend that one hundred copies be printed for the use of the House.

Respectfully,

W. G. MILLER, Chairman.

On motion of Mr. Miller the report and bill were postponed to Tuesday, March 3, 11 A. M., and made special order for that hour, and one hundred and twenty copies were ordered printed.

Report from Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries beg leave to report that they have had under consideration Senate bill No. 125, "A bill to be entitled an act to organize the county of Kinney," and instruct

me to report the same back to the House with the recommendation that it do pass.

HENDERSON, of Smith, for Committee.

The bill having been read the second time, the report was adopted and the bill passed to third reading.

On motion of Mr. Sayers the rules were suspended, the bill was read third time and passed.

On motion of Mr. Lea, the rules were suspended and House Bill No. 89, "to adjust and define the western boundary line of San Jacinto county," was taken up, with the report of the committee thereon. The report and bill having been read, Mr. Smith of Grimes presented a petition of citizens of Walker county against cutting off any portion of said county, which was read. The amendment offered by the committee was adopted.

Mr. Stewart of Montgomery moved to recommit the bill to the Committee on Counties and County Boundaries. Lost.

The report was adopted.

Mr. Smith of Grimes offered the following substitute for the bill: "A bill to provide for the adjusting and defining the boundary line of any county in the State."

The special order, House bill No. 16, "To encourage stockraising and for the protection of stockraisers," was announced, pending the amendments offered by the committee.

On motion of Mr. Sayers, the House went into committee of the whole on the bill, Mr. Epperson being called to the chair.

After discussion, the committee rose and reported, that having considered the bill and pending amendments, they recommended its passage, with the amendments offered by the committee, and the following amendments:

Section nine, line two, amend the amendment offered by the committee by striking out "sequestered" and inserting in lieu thereof "condemned."

Section ten, line two, amend the amendment offered by the committee by striking out "sequestered" and inserting in lieu thereof "condemned."

Strike out all of the section after the word "act" in line nine.

Section forty, line two, strike out "first."

Section 44. When the inspector has seized any hides or animals as provided for in sections nine and ten, he shall report the fact to some judge of the district court or justice of the peace, and it shall be the duty of said judge or justice of the peace to issue or cause to be issued, a citation addressed, "All whom it may concern," setting forth the seizure of said property, with a description of the same, commanding them to appear at a day named in said citation, to show cause why the said property should not be forfeited to

the county wherein the same was seized and sold for the benefit of said county; said citation shall be directed to the sheriff or other officer of said county, who shall cause certified copies of the same to be posted in three public places in said county for a period of ten days. Upon the day mentioned in said citation, upon proof of the posting of said citation as herein required, it shall be the duty of the judge or justice issuing the said citation to proceed to condemn the property mentioned in said citation, unless satisfactory proof should be made of the ownership of said property, or other sufficient cause be shown why the same should not be condemned, and he shall order the same to be sold by the inspector at public auction to the highest bidder. The inspector shall be entitled to retain one-fourth of the net proceeds of such sale after deducting therefrom all expenses connected therewith, and he shall immediately pay the remaining three-fourths thereof into the county treasury, and all sums so paid in shall be placed to the credit of the general fund of such county.

Section 45. That the operations of this act be suspended in the following counties until otherwise provided by law, to-wit: Anderson, Angelina, Austin, Bowie, Brazos, Burleson, Cass, Chambers, Cherokee, Collin, Delta, Fannin, Freestone, Fort Bend, Grimes, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Lamar, Liberty, Madison, Marion, Nacogdoches, Newton, Orange, Pannola, Polk, Raines, Red River, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, Waller, Walker, Washington, Wharton, Wood.

Mr. Reeves moved to strike out section thirty-two. Lost.

The report of the committee was adopted, and the bill ordered engrossed.

On motion of Mr. Smith of Grimes, Mr. Lea was granted leave of absence for twelve days.

A message from the Senate announced the passage by that body of House bill No. 210, "To fix the rate of mileage and *per diem* of witnesses before the various committees of the two houses of the Fourteenth Legislature," with amendment by the Senate, and House bill No. 211, "Making an appropriation to pay the mileage and *per diem* of witnesses before the committees of the two houses, and before the Senate in cases of impeachment, of the Fourteenth Legislature."

Mr. Watts moved to adjourn to 4 P. M. to-morrow. Lost.

On motion of Mr. Sayers, the House adjourned to 10 A. M. to-morrow.

THIRTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, February 25, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Barziza, Goodwin, and Triplett.

On motion of Mr. Schmidt, Mr. Barziza was excused for three days on account of sickness.

On motion of Mr. Lawhon, Mr. Goodwin was excused for the day on account of official business on committee.

On motion of Mr. Simpson, Mr. Triplett was excused for the day for same reason.

The journal of yesterday was read and adopted.

On motion of Mr. Epperson the rules were suspended to allow the special joint committee on finance to report. Said committee submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your special joint committee on finance, appointed by the Senate and House of Representatives, under resolution of February, 13, 1874, instruct us to report the following bill, and unanimously recommend the passage of the same.

W. R. BAKER,
Chairman Senate Committee.

W. L. MOODY,
Chairman House Committee.

The bill being House bill No. 214, to be entitled "An act to provide money to pay the floating indebtedness of the State," was read first time.

On motion of Mr. Epperson, the rules were suspended and the bill read second time.

Mr. Smith of Grimes moved to postpone the further consideration of the bill until Friday, February 27, at 12 M.; that it be made special order for that hour, and that one hundred and twenty copies thereof be printed, which carried.

Leave being granted, Mr. Gellatly offered the following concurrent resolution:

WHEREAS, It appears that M. W. Wheeler, judge of the Fifth Judicial District, against whom the Legislature of the State of Texas has preferred articles of address, has so far recovered his health that the causes which existed at the time said address was presented are now removed; therefore, be it

Resolved, That Wm. Gellatly, the mover of said charges, be permitted to withdraw the same.

The resolution was adopted.

Mr. Sayers moved to suspend the rules to allow the introduction of bills, which carried.

Mr. Sayers introduced a joint resolution proposing amendments to section eight of article nine; to article six; to article twelve

of the general provisions; to section twenty-three of article twelve, general provisions; to section six, article five; to section four, article three of the Constitution of the State of Texas. Read and referred to the Committee on Constitutional Amendments.

Mr. Storey introduced a bill to enforce the payment of occupation taxes; read and referred to Judiciary Committee No. 2. Also, a bill to authorize justices of the peace to take cognizance of certain cases therein named relative to minors; read and referred to Judiciary Committee No. 2. Also, a bill to amend the fifth section of an act entitled "An act for the benefit of settlers in good faith, and to amend the 'Act to provide the mode of trying titles to lands,'" approved February 5, 1840; approved February 2, 1844; read and referred to Judiciary Committee No. 2. Also, a bill to amend the sixth, seventh, eighth and ninth sections of an act entitled "An act to protect the farming interests of the State," passed May 16, 1873; read and referred to the Committee on Agriculture and Stockraising. Also, a bill to dispense with jury trials in the district court except where a jury is demanded by one of the parties to the suit; read and referred to Judiciary Committee No. 2.

Mr. Harris introduced a bill "to regulate the collection of delinquent taxes and other public moneys, and to enforce prompt settlement by sheriffs and other collecting officers;" read and referred to the Committee on Finance. Also, a bill "to amend the fourth section of an act entitled 'An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof,'" approved November 12, 1866; read and referred to the Committee on Finance. Mr. Simpson introduced a bill "to require the Commissioner of the General Land Office to furnish copies of field notes and surveys to the counties of the State;" read and referred to the Committee on Public Lands and Land Office. Also, a bill "to prohibit the sale of kerosene oil or naphtha, and petroleum, under the grade of 110 degrees Fahrenheit;" read and referred to Judiciary Committee No. 2. Also, a bill "regulating fire and marine insurance companies;" read by caption and referred to the Committee on State Affairs.

Mr. Price introduced a bill "to secure the establishment of a depot at Page Station on Central Railroad, in Bastrop county." Read and referred to the Committee on Internal Improvements.

Mr. Jenkins introduced a bill to amend section eight of an act entitled "An act regulating taxation," read and referred to the Committee on State Affairs. Also, "A bill to create the county of Franklin," read and referred to the Committee on Counties and County Boundaries.

Mr. Foote asked leave to introduce a Senate bill and have it referred to its appropriate committee. The House refused.

Mr. Moody introduced a bill to designate the holidays to be observed in the acceptance and payment of bills of exchange, bank checks and promissory notes; read and referred to the Committee on State Affairs. Also, a bill amendatory of title eight of an act entitled "An act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter," approved May 16, 1871; read and referred to the Committee on Towns and City Corporations. Also, a bill for the relief of Thomas Goggan & Bro.; read and referred to the Committee on Claims and Accounts. Also, a bill to incorporate the Galveston Cotton Exchange; read and referred to the Committee on Commerce and Manufactures.

Mr. Pickett introduced a bill to amend articles 248 and 249, Criminal Code of the State of Texas. Read and referred to Judiciary Committee No. 2.

Mr. Henderson of Kendall, introduced a bill to enable certain clerks of district courts to hold the office of justice of the peace, and to legalize the official acts of the same; read and referred to Judiciary Committee No. 2. Also, a bill to provide for the holding of two or more county offices by one person in certain counties; read and referred to Judiciary Committee No. 2. Also, a bill to incorporate the Fredericksburg Arbeiter Verein; read and referred to the Committee on Towns and City Corporations.

Mr. Linn offered the following resolution:

WHEREAS, In compliance with a resolution adopted by this House. Hon. Stephen H. Darden, Comptroller of Public Accounts, has transmitted to the Speaker of the House certain certified copies of accounts against the State, now on file in his office, for repairs on the different asylums and other public buildings, and

Whereas, Such accounts seem to have been excessive and unjust; therefore be it

Resolved, That a special committee of three members of the House be appointed to investigate said accounts and report thereon at as early a day as practicable, and be it

Resolved, further, That said committee be hereby authorized to send for persons and papers, and to employ one clerk to take the necessary testimony.

The resolution was adopted, and the Speaker appointed Messrs. Linn, Kemble and Kessler as the committee called for thereby.

Mr. Meissner offered the following resolution:

WHEREAS, At the last general election, held on the second day of December, 1873, one I. N. Baughman, late of Wharton county, was duly elected in and for the Thirteenth Senatorial District, as one of the Representatives for said district; and

Whereas, Said I. N. Baughman has failed to qualify, and his whereabouts are unknown; therefore, be it

Resolved, That a special committee of three members of the House be appointed, to inquire into the expediency of declaring said office vacant, and if said committee should become satisfied that such vacancy exists, that the Governor of the State be requested to order an election in said Thirteenth Senatorial District to fill said vacancy.

The resolution was adopted, and the Speaker appointed the following committee thereunder: Messrs. Meissner, Harris and Linn.

Mr. Murphy introduced a bill to repeal "An act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization," passed September 18, 1873. Read and referred to the Committee on Counties and County Boundaries.

Mr. Lea introduced a bill to amend the Code of Criminal Procedure. Read and referred to Judiciary Committee No. 2.

Mr. Massey introduced a bill to authorize railroad companies respectively to adopt any gauge not narrower than three feet that they may choose to adopt for their roads. Read and referred to the Committee on Internal Improvements.

Mr. Douglass introduced a bill to encourage the planting and growing of forest and fruit trees. Read by caption and referred to the Committee on State Affairs.

The special order, House bill No. 11, "Regulating landlords and tenants," was announced.

On motion of Mr. Triplett it was postponed five minutes.

Mr. Triplett introduced a bill "to amend section one, section five, section twelve and section thirteen of an act entitled 'An act re-incorporating the town of Liberty,'" approved March 21, 1873; read by caption and referred to the Committee on Towns and City Corporations. Also, a bill "to create the office of State Engineer and Superintendent of Public Works;" read by caption and referred to Judiciary Committee No. 2.

Mr. Donald introduced a bill "to incorporate Denton Lodge No. 82, I. O. O. F." Read by caption and referred to the Committee on Towns and City Corporations.

The special order, House bill No. 11, "regulating landlords and tenants," was taken up pending the following amendment

offered by Mr. McLeary: Strike out "landlord" wherever it occurs, and insert in lieu thereof "lessor;" and strike out "tenant" wherever it occurs, and substitute "lessee" therefor.

On motion of Mr. Jackman, the amendment was laid on the table.

(Mr. Reeves in the chair.)

Mr. Johnson offered as a substitute for the bill, a bill to amend "An act entitled 'An act to give a lien on the crop and stock for advances to assist in making the crop,'" which was read.

On motion of Mr. Massey, the substitute was laid on the table.

After discussion, on motion of Mr. Storey, the further consideration of the bill was postponed to 10:30 A. M. to-morrow.

A message from the Senate announced the passage by that body of Senate bill No. 186, to provide for holding district courts in Eastland county; also, of the adoption of the House concurrent resolution, permitting the withdrawal of the charges against Judge M. W. Wheeler, of the Fifth Judicial District.

On motion of Mr. Storey, House bill No. 210, to fix the rate of mileage and *per diem* of witnesses before the various committees of the two houses of the Fourteenth Legislature, was taken up, pending the following amendment by the Senate: Amend section one, line six, by inserting after the word "impeachment," "and addresses."

The amendment was concurred in, and the bill, thus amended, passed.

Mr. Simpson presented the following additional charges of impeachment against Wm. Chambers, Judge of the First Judicial District.

Articles amendatory of and supplementary to those now pending before the Senate of the State of Texas, exhibited by the House of Representatives of the State of Texas, in the name of all the people of said State, and in the name of themselves against William Chambers, Judge of the First Judicial District of said State:

Article fourteen. The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge, that William Chambers, Judge of the First Judicial District, was duly and legally impeached by the House of Representatives of the Thirteenth Legislature and that being so impeached, the said William Chambers, Judge as aforesaid, was suspended and inhibited from the performance of any of the functions of judge of the district court, but that the said Chambers, in violation of his official oath and of the Constitution of the State of Texas, and in disregard and contempt of the action of the Representatives of the people of the

State of Texas in impeaching him, the said Chambers, did, subsequent to said impeachment and before his trial under said impeachment, and while said cause of impeachment was yet pending undetermined, undertake to hold, and did hold, pretended courts in the counties of Hardin, Chambers, Jefferson and Orange, and did cause grand juries to be assembled, and many citizens of the State to be wrongfully and oppressively indicted and arrested, and during the holding of the pretended courts aforesaid, did try and dispose of many causes, both civil and criminal, and among other causes tried before him did fraudulently and corruptly cause to be acquitted five men, to-wit: George F. Block, Adolph Block, William Block, Charles Block and Leopold Block, claiming the same political faith with him, the said Chambers, which said men were legally indicted in the district court of Jefferson county, for the crime of murder, and did otherwise create great anarchy and confusion in the legal business of said counties.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, Judge of the First Judicial District of said State, by reason of his act aforesaid, is guilty of malfeasance in office, and by reason of his said acts has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

Article fifteen. The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that at the October term, A. D. 1873, of the District Court for Chambers county, there came on to be heard the cause of Geo. White v. James T. White and Robert White, No. . . . That when said cause was called upon the docket, Wm. Chambers, judge presiding, did immediately adjourn court and proceeded to seek James T. White, one of the defendants in said cause, and finding said defendant, did offer himself as an attorney to compromise said suit for a reasonable consideration, and the said proffer of services having been accepted by the said White, the said William Chambers did proceed to compromise said cause, and did compromise the same, acting as an attorney in drawing up all necessary papers of compromise therein, and having so compromised said cause, and having so drawn all papers proper and necessary to said compromise, the said Chambers did enter upon the bench, and in open court, make an order dismissing and striking said cause from the docket, thus acting as an attorney in his own court.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers,

Judge of the First Judicial District of said State, by reason of his acts aforesaid is guilty of malfeasance in office, and by reason of his said acts has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

Article Sixteen. The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that at a term of the District Court of Orange county, holden on, of which court William Chambers was judge presiding, there came on to be heard the cause of the State of Texas against George F. Block, A. Block, William Block, Charles Block and Leopold Block, upon a charge of murder; that the said Chambers, with a view to acquit said defendants, and because said defendants had affiliated with William Chambers in joining the "Loyal League," did corruptly, and in utter contempt and disregard of the law and the facts, read a certain charge to said jury, with the view, as aforesaid, to cause the acquittal of said parties so confederated with him in said "Loyal League." That the jury, so corruptly charged, failed to agree among themselves, and a mistrial was the result. That thereupon, the said Chambers, fearing that said charge would expose him, did fraudulently and feloniously abstract said charge and did secretly and corruptly destroy or suppress the same.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, Judge of the First Judicial District of said State, by reason of his acts aforesaid is guilty of malfeasance in office, and by reason of his said acts has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

The charges were read and referred to the following special committee: Messrs. Ep-
person, Delany and Harris.

The following communication was submitted by the Speaker and ordered spread on the journal:

ROOMS COMMITTEE OF SEVENTY, }
NEW ORLEANS, February —, 1873. }
Hon. Guy M. Bryan, Speaker of the House
of Representatives of Texas.

SIRS—The pendency of the question of the admission of the Louisiana Senator at the recent adjournment of Congress and your Legislature being now in session, leads us to solicit at your hands, and those of your colleagues in the latter body, some action looking to the instruction and request of your Senators to recognize the duly elected government of the people of this State by the admission of Hon. W. L. McMillen to his seat in the United States Sen-

ate. The facts of the case have been so freely ventilated by the public press, we take it, and by the Senate committee report last winter, as to render unnecessary from us any further explanation than is contained in the accompanying printed documents, which we forward herewith. The prophecy of that eminent jurist, Judge Cooley, on this subject, contained in his note to Storey's Commentaries on the Constitution, that the usurpation in this State "if suffered to pass once unrebuked, a precedent will be tacitly assented to, which cannot fail to threaten constant danger to our liberties, especially at those very periods of high political excitement when prudence, caution and the strictest regard for the Constitution and the laws are most important," has found such speedy and abundant fulfillment in the current of political events in Mississippi and Arkansas, and the menace of its recurrence in Texas, as to fill the mind of every thoughtful and patriotic American citizen with grave apprehensions, lest new and successful judicial usurpations may rear their fronts in others, if not in all the States of the American Union as the exigencies of defeated and desperate minorities may demand. "What party or what political leader can at such times be expected to pay scrupulous deference to the laws if a judge may ignore them with impunity?" asks the learned commentator, and in the light of recent events the answer is painfully obvious. The pending issue thus becomes a matter of national importance, for if, by the refusal to admit our Senator elect, and admitting his opponent, the Senate should confirm and approve the Louisiana usurpation, it would present new dangers to those States yet happily free from this curse, by neutralizing their voices by the votes of Senators who would revive in their persons and their admittance a political outrage a thousand-fold more odious than the rotten-borough system of England, and might, possibly at the crisis of its fate, surrender the destinies of the nation to an irresponsible judicial creature, who would be accountable to no constituency. The legislatures of the various States have, at times, by their instructions and requests to their Congressmen, exercised great influence in controlling their action, and such measures, adopted by your Legislature, would, we are fully persuaded, do much to avert the threatened enslavement of this State, and serve to protect in the future the other States of the Union, should like emergencies unhappily arise. Trusting to your well known ability, patriotism and influence, we hope for your active assistance, in the non-partisan spirit in which it has been the aim of our citizens to present the issue to the American Congress and people, by your suggesting and moving promptly in the matter,

so as to procure favorable action by your Legislature, and pledging Louisiana's assistance, should your State be ever so unfortunately situated, as well as her grateful remembrance,

We are, yours respectfully,

E. BOOTH,

F. C. ZACHARIE,

Sub-Committee.

On motion of Mr. Wortham, Mr. Cain was granted leave of absence for ten days.

On motion of Mr. Smith of Grimes, the leave of absence granted Mr. Lea; was changed to date from Saturday morning next.

On motion of Mr. Lea, the House adjourned to 7:30 P. M.

EVENING SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Scott, and Smith of Travis.

The pending question was House joint resolution No. 11, "calling for a constitutional convention," offered by Mr. Rainey, as a substitute for House bill No. 188, "to provide for drafting a new Constitution, and for submitting the same to a vote of the people," Mr. Harris having the floor.

After discussion, Mr. Storey moved that Mr. Rainey be allowed to withdraw the substitute.

Mr. Kessler moved to lay the substitute on the table, which was lost by the following vote:

Yeas—Messrs. Abnar, Ballard, Beck, Brown of San Saba, Chambliss, Delany, Easley, Epperson, Freeman, Gellatly, Harris, Helton, Jackman, Jenkins, Kemble, Kessler, Lindsey, Manning, Mitchell, Meissner, Miller, Murphy, Oxsheer, Roberts, Sadler, Stephens, Storey and Von Biberstein—28.

Nays—Mr. Speaker, Anderson, Bean, Bruce, Cain, Cardis, Cochran, Denman, Demorse, Donald, Douglass, Eastland, Edwards, Farrar, Foote, German, Goodwin, Harrison, Hart, Henderson of Kendall, Johnson, Lawhon, Lea, Linn, Massey, Matthews, McCuiston, Middleton, Moody, Nicholson, O'Neal, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Schmidt, Sayers, Simpson, Smith of Grimes, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Walker, Watson, Watts and Wortham—50.

Mr. Storey offered the following substitute for the second clause of the pending substitute: "That such convention shall consist of thirty delegates, one to be chosen from each Senatorial district of the State in accordance with existing laws regulating elections." Adopted by a rising vote of forty-nine to twenty-three.

Mr. Kemble offered the following amend-

ment: "That a special tax of 12½ cents on the \$100 *ad valorem* is hereby levied on the assessment of the taxable property of this State for the present year to defray the cost of said convention, and the submission of the Constitution to the people, and that the Comptroller is hereby required to see that the tax hereby levied is assessed and collected."

Mr. Sayers moved to lay the amendment on the table, which carried.

The substitute was then adopted by the following vote:

Yeas—Messrs. Anderson, Bean, Bruce, Cain, Cochran, Denman, DeMorse, Donald, Douglass, Eastland, Edwards, Farrar, Foote, German, Goodwin, Harrison, Hart, Henderson of Kendall, Johnson, Lawhon, Lea, Linn, Matthews, McCuiston, Middleton, Nicholson, O'Neal, Patterson, Pickett, Price, Rainey, Reeves, Sayers, Schmidt, Simpson, Stuart of Falls, Swain, Triplett, Watson, Watts and Wortham—41.

Nays—Mr. Speaker, Abnar, Ballard, Beck, Brown of San Saba, Cardis, Chambliss, Delany, Easley, Epperson, Freeman, Gellatly, Harris, Helton, Jackman, Jenkins, Kemble, Kessler, Lindsey, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Moody, Murphy, Oxsheer, Rogers, Roberts, Rosborough, Sadler, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Von Biberstein and Walker—38.

On motion of Mr. Sayers, the House adjourned to 10 A. M. to-morrow.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 26, 1874. }

House met. Roll called; quorum present.
Prayer by the chaplain.

Absent—Mr. Denman.

On motion of Mr. Reeves, Mr. Hayes was excused until Monday, on account of sickness.

The journal of yesterday was read and adopted.

The unfinished business of the last session was resumed, being House bill No. 188, "calling for a constitutional convention."

Mr. Harris moved a call of the House, which was sustained and ordered.

Absent, on committee—Messrs. Delany, Gellatly Goodwin and Denman.

The sergeant-at-arms was dispatched for the absentees.

The absentees having come in, the call was suspended.

Mr. Nicholson offered, as a substitute for the pending bill, a joint resolution, "calling a constitutional convention."

Mr. Storey moved to amend the substi-

tute by striking out the words "sixty" and "two," and insert in lieu thereof "thirty" and "one."

The amendment was adopted by a vote of fifty to twenty-two.

Mr. Lea moved to amend the original bill by striking out "thirty members, one from each senatorial district," and inserting in lieu thereof "thirty members from the State at large."

Mr. Rainey moved the previous question, which was sustained and the main question ordered.

The amendment was lost.

The substitute was adopted by a vote of fifty-four to twenty-three.

The bill was ordered engrossed by the following vote:

Yeas—Messrs. Anderson, Bean, Bruce, Cochran, Denman, DeMorse, Donald, Douglass, Eastland, Edwards, Farrar, Foote, German, Goodwin, Harrison, Hart, Henderson of Kendall, Johnson, Kemble, Lawhon, Lea, Linn, Matthews, McCuiston, Middleton, Nicholson, O'Neal, Patterson, Pickett, Price, Rainey, Reeves, Sayers, Schmidt, Simpson, Story, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Watson, Watts, and Wortham—43.

Nays—Mr. Speaker, Abnar, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Cardis, Chambliss, Delany, Easley, Epperson, Freeman, Galvan, Gellatly, Harris, Helton, Henderson of Smith, Jackman, Jenkins, Kessler, Lindsey, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Moody, Murphy, Oxsheer, Patrick, Rogers, Rosborough, Roberts, Sadler, Scott, Smith of Travis, Smith of Grimes, Stephens, Von Biberstein, and Walker—42.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 16: "An act to encourage stock raising, and for the protection of stock raisers," and find the same correctly engrossed.

L. J. STOREY, Chairman.

A message from the Senate announced the passage by that body of Senate bill No. 58, "An act prescribing the mode of proceeding in district courts in matters of probate;" Senate bill No. 163, "To define the Tenth Judicial District of the State of Texas, and to provide the times for holding the courts therein, and to attach the county of Rockwall to the Fourteenth Judicial District," etc.; Senate bill No. 156, "To authorize the Governor to sell certain bonds of the State, and to adjust and settle the indebtedness of the State with Williams & Guion," and of House bill No. 168, "To authorize incorporated cities to establish and manage free libraries."

The special order, House bill No. 11, "regulating landlords and tenants," was taken up.

Mr. McLeary offered as a substitute therefor a bill to fix a lien upon the products of land in certain cases.

Mr. Storey moved to recommit the bill and substitute to the Committee on Agriculture and Stockraising, which carried.

Special order, House bill No. 186, "for the relief of certain citizens of Walker county," was taken up.

On motion of Mr. Smith of Grimes, it was postponed to Monday, March 9, 11 A. M., and made special order for that hour.

On motion of Mr. Stephens, the rules were suspended and Senate bills on their first reading taken up.

Senate bill No. 186, "to provide for holding the District Court in Eastland county," was read first time.

On motion of Mr. Stephens, the rules were suspended, the bill read second time and passed to third reading.

On motion of Mr. Stephens, the rules were further suspended, the bill read third time and passed.

Senate bill No. 58, "prescribing the mode of proceeding in district courts in matters of probate," was read first time and referred to Judiciary Committee No. 1.

Senate bill No. 163, "to define the Tenth Judicial District of the State of Texas, and to provide times for holding the courts therein, and to attach the county of Rockwall to the Fourteenth Judicial District," was read first time and referred to Judiciary Committee No. 2.

Senate bill No. 156, "To authorize the Governor to sell certain bonds of the State and to adjust and settle the indebtedness of the State with Williams & Guion," was read first time and referred to the Committee on Finance.

Senate bill No. 59, "To authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same," was read first time and referred to the Committee on State Affairs.

Senate bill No. 61, "To provide for the public printing by contract," was read third time.

Mr. Epperson moved to strike out section fifteen, and insert in lieu thereof the following: Section fifteen. That this act take effect and be in force from and after the first day of January, 1875.

On motion of Mr. Wortham the substitute was laid on the table.

Mr. Simpson moved to strike out section fifteen, and substitute in lieu thereof: Section fifteen. That this act take effect and be

in force from and after the first day of December, 1874.

Mr. Smith of Grimes, moved to lay the amendment on the table. Lost.

The amendment was then lost.

Mr. McLeary moved to recommit the bill to the Committee on Printing and Contingent Expenses. Lost.

Mr. Douglass moved to reconsider the vote refusing to recommit the bill, which carried. The bill was then recommitted.

Mr. Pickett offered the following resolution by permission.

Resolved, That upon all final adjournments for the day, during the present session of the present Legislature, such adjournment shall be made to convene at 9 A. M., on the following day. Laid over under the rules.

Reports from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 168, entitled "An act to authorize incorporated cities to establish and manage free libraries," and find the same correctly enrolled and presented the same to the Governor for his approval this day at 1:15 P. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 210, entitled "An act to fix the rate of mileage and *per diem* of witnesses before the various committees of the two Houses of the Fourteenth Legislature;" also, House bill No. 211, entitled, "An act making an appropriation to pay the mileage and *per diem* of witnesses before the committees of the two Houses, and before the Senate in cases of impeachment of the Fourteenth Legislature," and find the same correctly enrolled, and presented the same to the Governor for his approval this day at 10:30 A. M.

E. D. LINN, Chairman.

A message from the Senate announced that that body adhered to its amendment to House bill No. 142, "To provide for the immediate apportionment of the school fund which should have been apportioned in December, 1873," and had appointed Senators Westfall, Dillard and Erath a committee of conference upon the disagreement between the two houses, and requested a like committee on the part of the House.

The Speaker appointed Messrs. Rainey, Kumble, McLeary, Goodwin and Henderson of Smith, a like committee on the part of the House.

A further message announced the passage by that body of Senate bill No. 89, "To incorporate the Southwestern Railroad Company, and to grant lands to aid in the con-

struction of its road;" Senate bill No. 86, "To incorporate the Southwestern and Rio Grande Railroad Company, and to aid in the construction of the same," Senate bill No. 75, to amend "An act prescribing the times of holding the courts in the several judicial districts in the State," approved November 25, 1871; Senate bill No. 60, "Concerning the forfeiture of certain sheep and goats."

Mr. Epperson moved to adjourn to 10 A. M. to-morrow, which carried by the following vote:

Yeas—Messrs. Abnar, Ballard, Beck, Brown of San Saba, Bruce, Cardis, Chambliss, Cochran, DeMorse, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, Harris, Harrison, Hart, Helton, Kemble, Lawhon, Lindsey, Linn, Manning, McCuiston, Mitchell, McLeary, Meissner, Middleton, Moody, Nicholson, O'Neal, Patterson, Price, Rainey, Reeves, Rogers, Sadler, Sayers, Schmidt, Scott, Smith of Grimes, Story, Stewart of Montgomery, Stuart of Falls, Triplett, Watson and Wortham—48.

Nays—Mr. Speaker, Anderson, Bean, Brown of Gregg, Denman, Donald, Douglass, Easley, Freeman, Gellatly, German, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Lea, Matthews, Miller, Oxsheer, Pickett, Rosborough, Roberts, Simpson, Smith of Travis, Stephens, Swain, Von Biberstein, Walker and Watts—31.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 27, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Brown of Gregg, Cardis, Galvan, Triplett, and Von Biberstein.

Leave being granted, Mr. Kessler offered the following amendment: Add to the resolution appointing a special committee to investigate certain accounts the following: "And said special committee shall have authority to administer oaths, and to employ one sergeant-at-arms to serve all processes." Adopted.

On motion of Mr. Stuart of Falls, Mr. Oxsheer was granted indefinite leave of absence on account of sickness in his family.

On motion of Mr. Reeves, Mr. Foote was excused for ten days from to-morrow on account of important business.

On motion of Mr. Meissner, Mr. Freeman was excused until March 4, on account of important business.

On motion of Mr. Brown of San Saba, Mr. Walker was excused for to-morrow.

The journal of yesterday was read. Those members who were absent on committee on

yesterday when a call of the House was made, were excused for such absence. The journal was then adopted.

A message from the Senate announced the passage by that body of Senate bill No. 112, to amend an act entitled "An act to amend section eleven of an act entitled 'An act concerning divorce and alimony,'" approved May 27, 1872; and Senate bill No. 80, "To prevent speculation by officers and agents in county, city and town contracts and liabilities."

The unfinished business of yesterday being House bill No. 146, "To branch the Supreme Court of the State of Texas," was resumed, pending the following amendment by the Senate: Section one, lines seven and eight, strike out "Dallas" and insert "Tyler."

Mr. Reeves moved a call of the House, which was ordered.

Absent on committee, Messrs. Delany and Triplett; unexcused, Messrs. Cardis and Stewart of Montgomery. The sergeant-at-arms was dispatched for the absentees.

Messrs. Delany and Triplett having been announced, Mr. Simpson moved to suspend the call. Lost.

It having been announced that Mr. Cardis would soon be in, and Mr. Stewart of Montgomery could not be found, Mr. Storey moved to suspend the call; which carried.

Mr. Storey moved to postpone the special order, House bill No. 174, "An act to authorize the alternate sections of lands as surveyed by railway companies, and set apart for the benefit of the common school fund," the hour for the same having arrived, to Friday, March 6, 1874, at 11 A. M., and make it special order for that hour. The motion carried.

The second special order was announced, House bill No. 190, "To reapportion the State of Texas into congressional districts."

Mr. Reeves moved to postpone the bill until Friday, March 6, 1874, 1 P. M., which carried.

The House then concurred in the Senate amendment by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Beck, Brown of Gregg, Brown of San Saba, Delany, Denman, Easley, Eastland, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Johnson, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, Mitchell, Miller, Moody, Patrick, Patterson, Price, Rainey, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Stuart of Falls, Triplett, Von Biberstein, Walker, Watts and Wortham—47.

Nays—Messrs. Barziza, Bean, Bruce, Chambliss, Cochran, DeMorse, Donald, Douglass, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, German, Hart,

Hays, Jackman, Jenkins, Kemble, Kessler, McCuiston, McLeary, Meissner, Middleton, Nicholson, O'Neal, Pickett, Reeves, Scott, Smith of Grimes, Stephens, Swain and Watson—34.

Mr. Murphy stated he had paired off with Mr. Oxsheer, and Mr. Storey that he had paired off with Mr. Cain.

Mr. Sadler presented a petition from citizens of Coiyelle county, asking the passage of a law similar to the Ohio liquor law. Read and referred to Judiciary Committee No. 1.

Mr. DeMorse presented a memorial from Hon. M. Priest, Judge of the Fourth Judicial District, asking that the evidence and his reply to the charges against him in the address for removal be spread upon the journal of the House. Read and referred to the special committee on address for his removal.

Mr. Pickett presented a protest from citizens of Denton county against the dismemberment of that county. Read and referred to Committee on Counties and County Boundaries.

Mr. McLeary presented a petition from citizens of Lavernia, Wilson county, asking passage of a special prohibitory liquor law for that place. Read and referred to Judiciary Committee No. 1.

Mr. Middleton presented petitions from citizens of Tarrant county, against the dismemberment of that county. Read and referred to the Committee on Counties and County Boundaries.

Mr. Moody presented a counter petition from citizens of Harrisburg, Harris county, against the repeal of the city charter. Read and referred to Judiciary Committee No. 1.

Mr. Nicholson presented a counter petition from citizens of Ladonia, Fannin county, against the passage of a prohibitory liquor law for that place. Read and referred to Judiciary Committee No. 1.

Mr. Kemble presented a petition from citizens of Ellis county, asking incorporation of the Waxahachie and Ennis Telegraph Company, accompanied by a bill "to incorporate the Waxahachie and Ennis Telegraph Company." Both were read and referred to the Committee on Internal Improvements.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House joint resolution No. 11, calling for a constitutional convention, and find the same correctly engrossed.

L. J. STOREY, Chairman.

By special leave, Mr. Kemble introduced a bill to provide for holding elections in the several school districts in the several counties in this State, in reference to the issu-

ance of licences to sell spirituous, vinous or malt liquors in such school district. Read and referred to the Committee on Education.

Leave being granted, Mr. Freeman introduced a bill to amend section six of an act entitled "An act to create the county of Waller," passed April 28, 1873. Read and referred to the Committee on Privileges and Elections.

Mr. Meissner presented a petition from citizens of Colorado county, asking a special election to decide upon the question of the adoption of the stock law in that county. Read and referred to the Committee on Privileges and Elections.

Leave being granted, Mr. Watts submitted the following special report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, in connection with the performance of other duties, honored with the tender duty of visiting the grave of Gen. Sam Houston, at Huntsville, Walker county, Texas, respectfully report that, on arriving at Huntsville they were met and accompanied to his grave by a large committee of the citizens of Walker county, where they listened with emotion to some feeling and eloquent remarks from the lips of Judge Benton Randolph.

The grave of Gen. Houston is inclosed by a substantial and tasteful wooden structure, similar to those inclosing the graves of other deceased eminent citizens of Huntsville.

It appears that the citizens of Walker county have had in contemplation the erection of a monument to the memory of Gen. Houston, but, considering that the name and fame and history of "Sam Houston" belonged to no locality, but to the entire State of Texas; fearing also that his remains might afterward be removed, they have deferred further proceeding, awaiting the incoming of a thoughtful and patriotic Legislature to perform that sacred duty.

Your committee append as part of their report, the proceedings of the citizens' meeting of Walker county, earnestly requesting that the remains of Gen. Houston be allowed to remain where it was his expressed wish and desire that they should be deposited:

CITIZENS' MEETING.

At a meeting of citizens held in Huntsville, February 16, 1874, the object of which was to take some action in regard to the visit of the legislative committee to the grave of Gen. Sam Houston, the following proceedings were had:

Capt. Sandford Gibbs was called to the chair, and H. M. Watkins appointed secretary.

On motion it was resolved that the citizens should accompany the legislative committee to the grave of Gen. Houston, at the hour designated.

On motion, a committee of ten were appointed to prepare suitable resolutions for the action of the meeting.

At 3 P. M., being the hour designated, the legislative committee, accompanied by many citizens, proceeded to the Huntsville cemetery, where rest the remains of General Houston. The meeting was called to order by the chairman, when the committee of ten reported the following resolutions, viz.:

WHEREAS, The question has been agitated of removing the remains of General Sam Houston from the cemetery at Huntsville, Texas, (where they have rested in quiet for more than ten years), to the State cemetery at Austin, Texas; and

Whereas, Huntsville was honored, by being the home of General Houston while living; from which, though he sometimes removed, yet it was to return again, becoming only the more endeared thereto by such temporary absence; and

Whereas, Previous to his death, he expressed the desire to his wife to return to Huntsville, there to die and be buried; and

Whereas, His wishes in this respect were complied with; therefore be it

Resolved, By the citizens of Huntsville and vicinity, many of whom were the neighbors and friends of General Houston while living;

1. That we earnestly request that the remains of General Houston be allowed to remain here, where it was his expressed wish and desire they be deposited.

2. That we deem it but right and proper that a monument should be erected by the people and State of Texas over the remains of General Houston, and such a one too as will not only bespeak the gratitude and liberality of the great State of Texas, and the people thereof, but one which will be worthy of his great name as a soldier and statesman, and of his virtues as a citizen.

3. That the Hon. C. B. Stewart, P. S. Watts, and H. Manning, the committee appointed by the Legislature of the State of Texas to visit the grave of General Houston, be furnished with a copy of these resolutions, and requested to present the same to the Legislature when they make a report thereto of their visit.

H. M. WATKINS,	J. S. BESSER,
C. ABERCROMBIE,	W. A. RAWLINGS,
T. W. MARKHAM,	S. GIBBS,
B. RANDOLPH,	J. SMITHER,
F. THORNTON,	T. J. GOREE.

The above resolutions were unanimously adopted.

On motion, the *Huntsville Item* was requested to publish these proceedings, and the secretary was ordered to send a copy of the same to the family of General Houston.

S. GIBBS, Chairman.

H. M. WATKINS, Secretary.

Your committee herewith submit a joint resolution appropriating the sum of one thousand dollars, for an appropriate monument to be erected over the grave of General Houston, at Huntsville, on which may be inscribed a fitting tribute to his virtues worth and patriotism:

C. B. STEWART,
P. S. WATTS,
HILLERY MANNING,
Committee.

The joint resolution having been read, on motion of Mr. McLeary it was referred to the Committee on State Affairs.

Leave being granted Mr. Barziza submitted the following reports:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office, to whom was referred the petition of Wm. Little, asking relief for money advanced for surveys of Texas islands, beg leave to report that they have considered the same, and it being a claim for money, report back the same with the recommendation that it be referred to the Committee on Claims and Accounts.

BARZIZA, Chairman.

The reference was made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures, to whom was referred a bill to incorporate the Galveston Cotton Exchange, have considered the same, and it appearing that a grave question of law is involved in the bill, beg to report it back with the recommendation that it be referred to Judiciary Committee No. 1.

BARZIZA, Chairman.

The reference was made.

Mr. Barziza also introduced a bill supplemental to "An act to incorporate the Western Narrow Gauge Railway Company," approved August 4, 1870, and "An act supplemental thereto," approved October 13, 1871, and "An act supplemental thereto," approved May 2, 1873. Read and referred to Judiciary Committee No. 2.

Report from the joint committee on lighting the Capitol with gas:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your select committee, instructed by resolution to act with a like committee on the part of the Senate in considering the propriety of lighting the State House with gas, beg leave to report that they have had the subject under consideration, and as the result of their labors would respectfully present the accompanying proposal for the consideration of the House, and ask to be discharged from further duty.

D. D. ROSBOROUGH, Chairman.

The accompanying proposition was read and referred to the Committee on Finance.

Reports from Judiciary Committee No. 1:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 1, to whom was referred House bill No. 26, "To carry into effect the provisions of the tenth section of the Constitution, etc., have duly considered the same, and have amended the same by a substitute herewith submitted and would most respectfully recommend the passage of said substitute.

JOHN W. HARRIS, Chairman.

The report was received.

The special order was announced, House bill No. 214, "To provide money to pay the floating indebtedness of the State."

Mr. Smith of Grimes, moved to postpone the special order one half hour. Lost.

The bill having been read the second time, Mr. Kemble moved to go into committee of the whole on the bill, which carried, Mr. Epperson being called to the chair.

After discussion the committee rose and recommended the adoption of the following amendments, and that thus amended the bill do pass.

Amend section four, line four, by striking out "quantities," and inserting in lieu thereof, "numbers;" also, insert the word "himself," in line thirteen, after the word "State," and strike out the same word in line fourteen.

Section six, line five, after the word "dated," insert "since the first day of January, 1866, and."

"Section eleven, after the word "shall," insert "take effect and."

The report was adopted and the bill thus amended was ordered engrossed.

On motion of Mr. Epperson, the rules were suspended, the bill was read by caption the third time and passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Beck, Brown of Gregg, Brown of San Saba, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Goodwin, Harris, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Middleton, Miller, Moody, Murphy, Nicholson, O'Neal, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Smith of Travis, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Watson, Watts and Wortham—69.

Nays—Messrs. Ballard, Bean, Bruce, Douglass, Kessler, Mitchell, Scott, Simpson, Von Biberstein and Walker—10.

House bill No. 26, "to carry into effect the provisions of the tenth section of the Constitution in regard to the emancipation

of minors," was resumed, and the substitute offered by the committee being "a bill regulating the emancipation of minors," was read and adopted.

Mr. Johnson offered the following amendment: Strike out the words "or to fill and discharge any ministerial office to which he may be appointed or elected." Adopted.

The bill was then ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 1, to whom was referred House bill No. 132, to be entitled "An act to change the names of Ernest Louis Heinrich Seyberlich to Ernest Louis Henry Kellner; also, the name of Emille Fredericke Helene Seyberlich to Emille Fredericke Helene Kellner," have considered said bill, and recommend its passage.

JOHN W. HARRIS, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 1, to whom was referred House bill No. 112, to be entitled "An act to provide for and define the mode of conveying the administration of estates of deceased persons from one county to another," have considered the same, and recommend that it be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 33, to be entitled "An act to authorize a change of venue in civil cases," have had the same under consideration and respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

The bill having been read second time, the report was adopted.

On motion of Mr. Sayers, the further consideration of the bill was temporarily postponed.

On motion of Mr. Brown of Gregg, Mr. Matthews was granted leave of absence for eight days on account of important business.

Reports from Judiciary Committee No. 2:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred House bill No. 157, entitled "An act to protect carpenters, machinists, tanners, blacksmiths, gunsmiths," etc., have had the same under consideration and have instructed me to report the same back, and recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time.

Mr. Denman moved to adjourn to 9 A. M. to-morrow.

Mr. Smith of Grimes moved to adjourn to 10 A. M. to-morrow.

The following report from the Committee on Enrolled Bills was submitted and received:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled bills have carefully examined and compared House bill No. 146, entitled "An act to branch the Supreme Court of the State of Texas," and find the same correctly enrolled, and presented the same to the Governor for his approval this day at 1:30 o'clock P. M.

E. D. LINN, Chairman.

The House then refused to adjourn to 10 A. M.

Mr. De Morse moved to adjourn to 9:30 A. M. to-morrow. Lost.

The motion to adjourn to 9 A. M. then carried.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 28, 1874

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Ballard, Bruce, Stewart of Montgomery, and Wortham.

On motion of Mr. Rosborough, Mr. Stewart of Montgomery was excused until Wednesday on account of official business.

On motion of Mr. Douglass, Mr. Bruce was excused for one day on account of sickness.

On motion of Mr. Lawhon, the special committee upon the Comptroller's office was excused for the day on account of official business.

On motion of Mr. Kessler, the reading of the journal was temporarily suspended.

Leave being granted, Mr. Kessler introduced a bill to limit the amount to be issued in bonds of the State to the International Railway Company, and to provide for the payment of the same. Read by caption and referred to the Committee on Internal Improvements.

The unfinished business of yesterday, House bill No. 157, "to protect carpenters, mechanics, tanners, blacksmiths, gunsmiths, etc.," was resumed, read second time and ordered engrossed.

Report from Judiciary Committee No. 2
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 156, with the petition of certain citizens of Grimes county relating thereto, have had the same under consideration, and would beg leave to report that while they believe the relief sought is deserved, and that the facts set forth in the

petition are true, the amendments to the Constitution of the State of Texas, adopted December 2, A. D. 1873, prevent the Legislature from passing the bill, and do therefore recommend that said bill be not passed. Your committee, however, in view of all the facts in this particular case, do recommend the adoption of the accompanying resolution.

B. H. EPPERSON, Chairman.

Be it resolved by the House of Representatives of the State of Texas, That the petition of certain citizens of Grimes county, asking relief for James H. Muldrew and John T. Whitesides, from liability as sureties on the bail bond of R. B. Muldrew, together with a copy of this resolution, be referred to his Excellency Richard Coke, Governor of the State of Texas, with a request that his Excellency take into favorable consideration the propriety and justice of remitting the forfeiture which has been entered on said bond by the District Court of Grimes county against the sureties, James H. Muldrew and John T. Whitesides.

Mr. McCuiston moved the previous question, which was seconded and ordered.

The resolution was then adopted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 26, "An act regulating the emancipation of minors;" House bill No. 132, "An act to change the name of Ernest Louis Henrich Seyberlick to Ernest Louis Henry Kellner; also, the name of Emilie Fredericke Helene Seyberlick to Emilie Helena Kellner;" and also House bill No. 214, "An act to provide money to pay the floating indebtedness of the State," and find each correctly engrossed. L. J. STOREY, Chairman.

On motion of Mr. Swain, Mr. Lawhon was excused for the day, on account of committee business.

On motion of Mr. Simpson, the rules were suspended to take up House bills on the Speaker's table.

On motion of Mr. Miller, House bill No. 16, "to encourage stockraising, and for the protection of stockraisers," was taken up.

Pending its reading, the hour for the special order arrived.

On motion of Mr. Storey, the special order, House bill No. 18, "to amend sections one and two of an act releasing State taxes to certain counties therein named," was postponed until the pending bill should be disposed of.

The bill having been read, Mr. Farrar moved to strike out "Limestone, Angelina, Cherokee, Houston, Trinity, Fort Bend and Wharton counties" from the list of counties

excluded from the operation of the bill. Carried.

The bill then passed.

(Mr. Reeves in the chair.)

The special order, House bill No. 18, to amend sections one and two of "An act releasing State taxes to certain counties therein named," was taken up, pending the substitute offered by the committee.

The substitute was adopted.

Mr. Harrison moved to postpone the bill indefinitely.

Mr. McLeary moved a call of the House, which was ordered.

Absent on committee—Messrs. Brown of San Saba, Delany, Goodwin, Henderson of Kendall, Kemble, Kessler, Lawhon, Linn, Moody and Smith of Travis.

The sergeant-at-arms was dispatched for the absentees.

Messrs. Brown of San Saba, Delany, Henderson of Kendall, Lawhon, Moody and Goodwin having been announced, Mr. Harrison moved to suspend the call, which carried.

The motion to postpone was lost by the following vote:

Yeas—Messrs. Chambliss, Denman, De Morse, Eastland, Edwards, Epperson, Farrar, Gellatly, German, Harris, Harrison, Henderson of Smith, Jackman, Jenkins, Manning, McCuiston, Meissner, Middleton, Miller, O'Neal, Patterson, Rainey, Roberts, Sayers, Scott, Simpson, Smith of Grimes, Storey, Stuart of Falls, Swain, Von Biberstein, Watson, Watts and Wortham—34.

Nays—Messrs. Abnar, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Cardis, Cochran, Delany, Donald, Douglass, Easley, Galvan, Hart, Hayes, Helton, Henderson of Kendall, Johnson, Lawhon, Lindsey, Massey, Mitchell, McLeary, Moody, Murphy, Nicholson, Patrick, Pickett, Price, Reeves, Rogers, Sadler, Schmidt, Stephens, Stewart of Montgomery and Triplett—38.

Mr. Smith of Grimes moved to amend by inserting among the counties included, Hardin, Liberty, Orange, Jefferson, Polk, Tyler, Jasper, Newton, Grimes, Walker, Madison, San Jacinto, Limestone, San Augustine, Angelina and Trinity counties.

Mr. McCuiston moved the previous question, which was seconded and the main question ordered.

The amendment was adopted by the following vote:

Yeas—Messrs. Abnar, Anderson, Beck, Brown of Gregg, Chambliss, Denman, De Morse, Eastland, Edwards, Epperson, Farrar, Gellatly, Harris, Harrison, Henderson of Smith, Jackman, Johnson, Lindsey, Manning, Massey, McCuiston, Mitchell, Middleton, Moody, Nicholson, O'Neal, Patterson, Rainey, Sayers, Scott, Simpson, Smith of Grimes, Storey, Triplett, Watson, Watts and Wortham—37.

Nays—Messrs. Ballard, Barziza, Brown of San Saba, Cardis, Cochran, Delany, Donald, Douglass, Easley, Galvan, German, Hart, Hayes, Helton, Henderson of Kendall, Jenkins, Lawhon, McLeary, Meissner, Miller, Murphy, Patrick, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Schmidt, Smith of Travis, Stephens, Stewart of Montgomery, Stuart of Falls, Swain and Von Biberstein—36.

The House refused to engross the bill by the following vote:

Yeas—Messrs. Bean, Brown of San Saba, Cardis, Douglass, Farrar, Galvan, Hart, Hayes, Johnson, Lawhon, McLeary, Murphy, Pickett, Rogers, Smith of Grimes, Stephens, Triplett, and Watts—18.

Nays—Messrs. Abnar, Anderson, Ballard, Barziza, Brown of Gregg, Chambliss, Cochran, Delany, Denman, De Morse, Donald, Easley, Eastland, Edwards, Epperson, Gellatly, German, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Lindsey, Manning, Massey, McCuiston, Mitchell, Meissner, Middleton, Miller, Moody, Nicholson, O'Neal, Patrick, Patterson, Price, Rainey, Reeves, Rosborough, Roberts, Sadler, Schmidt, Sayers, Scott, Simpson, Smith of Travis, Storey, Stuart of Falls, Swain, Von Biberstein, Watson, and Wortham—54.

On motion of Mr. Harrison, the rules were suspended and Senate bill No. 137, making an appropriation to defray the contingent expenses of the Department of State, was taken up, read third time and passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Galvan, Gellatly, German, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Lawhon, Lindsey, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Middleton, Miller, Murphy, Nicholson, O'Neal, Patrick, Patterson, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Watts and Wortham—69.

Nays—None.

(Mr. Speaker in the chair.)

Mr. Schmidt moved to take up out of its order House bill No. 213, relating to the headright claim of Louis Rosscau to 320 acres of land. Lost.

Mr. Lindsey moved to take up out of its order House bill No. 113, to make appropriation to defray the traveling expenses and contingent expenses of the Adjutant General in collecting the State arms. Lost.

House joint resolution No. 11, calling a

constitutional convention, was read third time.

Mr. Rainey moved a call of the House, which was seconded and ordered.

The following gentlemen were absent on committee: Messrs. Farrar, German, Goodwin, Kemble, Kessler, Linn, Rosborough and Storey.

Messrs. Farrar, German, Goodwin, Kessler and Linn having been announced, Mr. Cochran moved to adjourn to 10 A. M. Monday. Lost.

Mr. Denman moved to adjourn to 9 A. M. Monday, which was lost.

Mr. Henderson of Smith, moved to adjourn to 9:30 A. M. Monday, which carried.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, March 2, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Miller, Price, Schmidt, Stephens, Stuart of Falls and Walker.

On motion of Mr. Sadler, Mr. Stevens was excused until Thursday next.

Under suspension of the rules, Mr. Stewart of Montgomery, introduced a joint resolution making the second day of March the anniversary of Texan Independence, and the twenty-first day of April the anniversary of the battle of San Jacinto legal Texas holidays, which was read the first time.

On motion of Mr. DeMorse, the rules were further suspended, the joint resolution was read second time and ordered engrossed.

On motion of Mr. Rogers, the rules were further suspended, the joint resolution was read third time and passed unanimously.

Mr. Simpson rose to a privileged question and spoke in vindication of himself against the charges made against him by the *Galveston News*.

Leave being granted, Mr. Harris replied in vindication of the senior editor of that paper.

Mr. Cochran being called to the chair, Mr. Bryan also replied in vindication of Mr. Willard Richardson.

Mr. Moody made some remarks relative to the bill which had given rise to the pending matter.

Mr. Rainey also spoke in vindication of the propriety of members vindicating themselves on the floor of the House against newspaper charges.

The journal of Friday was read, pending which a message from the Senate announced the passage by that body of Senate bill No. 93, to encourage stockraising and for the protection of stockraisers; and Senate bill No. 30, concerning landlords and tenants.

The journal of Friday was then adopted. The journal of Saturday was read and adopted.

Reports from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 157, "An act to protect carpenters, mechanics, artisans and other workmen," and find the same correctly engrossed.

L. C. DEMORSE, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed bills have carefully compared House joint resolution No. 19, declaring the second day of March and twenty-first day of April, legal Texas holidays, and find the same correctly engrossed. L. C. DEMORSE, for Committee.

Leave being granted, Mr. Barziza submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office beg leave to report that in response to a communication from this committee, the Commissioner of the General Land Office transmitted the accompanying report of the condition of his office in all departments; and as said report is very lengthy and made up mainly of statistics, your committee recommend that the reading of the same be dispensed with, and that one thousand copies be printed in pamphlet form, as it contains the full report of the Land Office from September 1, 1873, to January 24, 1874. BARZIZA, Chairman.

The report was adopted.

On motion of Mr. Sayers, Messrs. Miller and Price were excused until 12 M., to-day.

A message from the Senate announced the passage by that body of House joint resolution No. 19, declaring the second day of March and the twenty-first day of April legal Texas holidays.

On motion of Mr. Rogers, in consideration of this being the anniversary of the declaration of Texan independence, the House adjourned to 10 A. M. to-morrow.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, March 3, 1874. }

House met. Roll called; quorum present. Prayer by Rev. Mr. Philpot.

Absent—Messrs. Gellatly, Murphy, Triplett and Schmidt.

On motion of Mr. Johnson, Mr. Gellatly was excused on account of sickness.

The journal of yesterday was read and adopted.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared House joint resolution No. 19, "Declaring the second of March and twenty-first of April, legal Texas holidays," and find the same correctly enrolled, and have this the second day of March, 1874, at 1 P. M., presented the same to the Governor for his approval.

RAINEY, for Committee.

Leave being granted the following reports were submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Privileges and Elections, to whom was referred House bill No. 197, "An act to amend section one of an act entitled 'An act regulating elections,'" approved March 31, 1873, have had the same under consideration, and a majority of said committee instruct me to report it back, with the recommendation that it do pass.

W. J. SWAIN, Chairman.

The bill having been read the second time the report was adopted.

Mr. Lawhon offered the following amendment: Strike out all between the word "expedient," in line eight, and the word "and," in line nine, section one. Lost.

The bill was ordered engrossed.

Mr. Jenkins moved to suspend the rules and take up House bill No. 113, "to make appropriation to defray traveling expenses and contingent expenses of the Adjutant General in collecting State arms." Lost.

The following message was received from the Senate:

AUSTIN, Texas, March 1, 1874.

To his Excellency, Richard Coke, Governor:

The Senate of the State of Texas, the House of Representatives concurring therein, do address your excellency, and make known that in the address heretofore presented for the removal of Henry Maney, judge of the Twenty-second Judicial District, there is a clerical mistake in the second line of the fourth clause as to the date which now reads "July, 1872, when it should read "July, 1873," and they ask that the correction be made.

March 2, 1874—Ordered spread on the journal of the Senate, and a copy sent to the House, and ask that it be spread on the journal of the House.

J. F. BEALL,

Secretary of the Senate.

On motion of Mr. Storey, the rules were suspended, the above message was read and concurred in, and ordered spread on the journal of the House.

Further report from Committee on Privileges and Elections:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Privileges and Elections, to whom was referred House bill No. 245, "An act to amend section six of an act entitled 'An act to create the county of Waller,'" approved April 28, 1873, have considered the same, and have instructed me to recommend its passage.

W. J. SWAIN, Chairman.

On motion of Mr. McLeary, the bill was recommitted to the same committee.

A message from the Senate announced the adoption by that body of the following resolution:

Resolved, That the address against J. J. Thornton, judge of the Twenty-fourth Judicial District, be withdrawn.

On motion of Mr. McLeary the rules were suspended, the resolution just received was taken up, read and adopted.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Privileges and Elections, to whom was referred memorial from citizens of Colorado county, have considered the same, and instruct me to recommend that the request be not granted.

W. J. SWAIN, Chairman.

On motion of Mr. McLeary, the petition was re-committed to the same committee.

The unfinished business of Saturday was taken up, being House joint resolution No. 11, "calling a constitutional convention."

The joint resolution having been read the third time, Mr. Rainey moved a call of the House, which was sustained and ordered.

Absent, on committee—Messrs. Kemble and Stewart of Montgomery; unexcused, Messrs. Murphy and Schmidt.

Mr. Smith of Grimes, moved to suspend the call. Lost.

Mr. Kemble having been announced, on motion of Mr. Rainey, the call was suspended.

Mr. McLeary offered the following amendments: Amend by inserting in section two, line two, after the word "thirty," the word "six," and in line three, after the word "district," insert "and six members to be elected from the State at large."

Mr. Denman moved to amend the amendment by adding after the word "six," "one from each congressional district." Adopted.

The amendment failed to carry.

Mr. Stewart of Falls offered a substitute for the joint resolution.

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 214, "To provide money to pay the floating indebtedness of the State;" also, that the Senate was organized and sitting as a high court of impeachment for the trial of Wm. Chambers, judge of the First Judicial District, and

was ready to receive the managers on the part of the House.

On motion of Mr. Sayers, the pending business was temporarily suspended.

On further motion of Mr. Sayers, the managers on the part of the House were granted leave to retire.

Mr. Moody moved to postpone the further consideration of the pending matter until 11 A. M. to-morrow.

Mr. German moved to amend by changing the hour to 3 P. M. Lost.

Mr. O'Neal moved to amend by changing the hour to 7:30 P. M. Lost.

The motion then carried.

On motion of Mr. Moody, the rules were suspended and the Finance Committee were granted leave to report.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred Senate bill No. 156, entitled "An act to authorize the Governor to sell certain bonds of the State, and to adjust and settle the indebtedness of the State with Williams & Guion," have carefully considered the same and instruct me to report back said bill and recommend that it do pass

W. L. MOODY, Chairman.

The bill having been read the second time, the report was adopted and the bill passed to third reading.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time and passed.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred Senate joint resolution No. 133, entitled "Joint resolution to require the State Treasurer to pay certain warrants," have considered same, and instruct me to report back said joint resolution with the accompanying amendments, and recommend the passage of the same.

W. L. MOODY, Chairman.

Amend section one by adding to the end the words "except out of funds specially provided for the payment of such warrants."

Amend section two by adding to the end the words "and provided further, that such warrants, whether registered or not, shall be receivable as cash at par in payment for any bonds of the State which the Governor is or may be authorized to sell, except those authorized to be sold to pay Williams & Guion."

Add to section three: That this act take effect and be in force from and after its passage.

The amendments were taken up *seriatim* and adopted.

Mr. McLeary moved to amend the caption by inserting "not" between the words "treasurer" and "to."

Mr. Douglass moved to postpone the further consideration of the bill until Thursday, March 5, at 11 A. M., and that 120 copies be printed. Lost.

Mr. Kessler moved to adjourn to 9:30 A. M. to-morrow. Lost.

The amendment was adopted.

Mr. Galvan offered the following amendment: In line nineteen strike out "registration," and insert in lieu thereof "issuance."

Mr. Harrison offered the following amendment to the amendment: Strike out "dates of issuance," and insert in lieu thereof; "from the first day of January, 1874."

On motion of Mr. Moody, the bill was temporarily laid on the table.

On motion of Mr. Moody, the vote passing Senate bill No. 156, "to authorize the Governor to sell certain bonds of the State; and to adjust and settle the indebtedness of the State with Williams & Guion;" was reconsidered. The bill then passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson; Ballard, Barziza, Beck, Brown of Gregg; Brown of San Saba, Brown of Harrison; Bruce, Cardis, Chambliss, Cochran, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, McCuiston, Mitchell, McLeary, Middleton, Miller, Moody, Murphy, Nicholson, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Scott, Smith of Travis, Smith of Grimes, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—70.

Nays—Messrs. Bean, Bruce, Denman and Henderson of Kendall—4.

The previously pending bill was then resumed.

Mr. Storey moved to lay the amendments on the table, which carried.

On motion of Mr. Moody, the further consideration of the bill was postponed until 10 A. M. to-morrow.

Leave being granted, Mr. Murphy presented a protest from citizens of Nueces county, against any dismemberment of that county. Read and referred to the Committee on Counties and County Boundaries.

Mr. Rogers offered the following resolution by permission:

Resolved, That hereafter, on Monday and Thursday of each week, immediately after the reading of the journal, the House take up the bills on the Speaker's table, and dispose of them before any other business shall be considered.

Laid over under the rules.

By leave, Mr. McLeary presented a petition from citizens of Colorado county, ask-

ing relief from the operation of the stock law. Read and referred to the Committee on Privileges and Elections.

By leave, Mr. Lawhon introduced a joint resolution, providing for *sine die* adjournment of the first session of the Fourteenth Legislature at 12 M., April 1. Read first time and passed to second reading.

On motion of Mr. Reeves, the Committee on State Affairs was granted leave to report.

On motion of Mr. Easley, the House adjourned to 9 A. M. to-morrow.

FORTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 4, 9 A. M., 1874. }
House met. Roll called; quorum present.
Absent—Messrs. Gellatly, Schmidt and Linn.

Prayer by the chaplain.

On motion of Mr. Johnson, Mr. Gellatly was excused for the day on account of sickness.

On motion of Mr. Lawhon, Mr. Linn was excused for the day on account of sickness.

The journal of yesterday was read and adopted.

The unfinished business of yesterday being reports from the Committee on State Affairs:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred Senate bill No. 59, entitled "An act to authorize and allow the several county courts in this State, to build court houses and jails, and make repairs and improvements for the benefit of the county and to provide funds to defray the expense of the same," have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The bill having been read the second time, the report was adopted.

On motion of Mr. Sayers, the further consideration of the bill was postponed to Friday, March 6, 11 A. M., and made special order for that hour.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 197, "An act to amend section one of an act entitled 'An act regulating elections,'" approved March 31, 1873, and find the same correctly engrossed.

L. J. STOREY, Chairman.

The special order, Senate joint resolu-

tion No. 133, "to require the State Treasurer to pay certain warrants," was taken up.

Mr. Moody offered the following amendment: Add to the caption "except out of funds specially provided for the payment of such warrants." Adopted.

Mr. Rainey moved to amend by striking out "fifteenth," and inserting in lieu thereof "first."

Mr. Kessler moved to amend the amendment by striking out "January," and inserting in lieu thereof "July."

On motion of Mr. Manning, the amendments were laid on the table.

Mr. McLeary offered as a substitute a joint resolution to instruct the State Treasurer not to pay certain warrants, which was read.

Mr. Galvan moved to indefinitely postpone the whole matter.

(Mr. Harrison in the chair.)

Mr. Moody moved to lay the motion on the table. Carried by the following vote:

Yeas—Messrs. Abnar, Anderson, Barziza, Bean, Brown of Gregg, Brown of Harrison, Bruce, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Manning, Massey, McCuiston, Middleton, Miller, Moody, Nicholson, O'Neal, Patrick, Patterson, Price, Rainey, Reeves, Rogers, Rosborough, Sadler, Smith of Grimes, Stephens, Story, Stewart of Montgomery, Stuart of Falls, Von Biberstein, Walker, Watson, Watts and Wortham—60.

Nays—Messrs. Ballard, Beck, Brown of San Saba, Galvan, Henderson of Kendall, Kessler, Mitchell, McLeary, Meissner, Murphy, Roberts, Scott, Simpson, Smith of Travis and Triplett—15.

On motion of Mr. Moody, the substitute was laid on the table by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Easley, Eastland, Edwards, Epperson, Farrar, Goodwin, Harris, Harrison, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Manning, Massey, McCuiston, Middleton, Miller, Moody, Nicholson, O'Neal, Patrick, Patterson, Price, Rainey, Reeves, Rogers, Rosborough, Smith of Grimes, Sadler, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Triplett, Watson, Watts and Wortham—56.

Nays—Messrs. Bean, Brown of San Saba, Brown of Harrison, Bruce, Douglass, Galvan, German, Hart, Henderson of Kendall, Kessler, Mitchell, McLeary, Meissner, Murphy, Roberts, Scott, Simpson, Smith of Travis, Von Biberstein and Walker—20.

(Mr. Speaker in the chair.)

Mr. German moved to postpone the further consideration of the joint resolution until 12 M. to-morrow.

Mr. Nicholson moved to lay that motion on the table, which carried.

The joint resolution was then passed to its third reading by the following vote:

Yeas—Mr. Speaker, Abnar, Barziza, Brown of Gregg, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Easley, Eastland, Edwards, Epperson, Farrar, Goodwin, Harris, Harrison, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Manning, Massey, McCuiston, Middleton, Miller, Moody, Nicholson, O'Neal, Patrick, Patterson, Price, Rainey, Reeves, Rogers, Sadler, Smith of Grimes, Storey, Stuart of Falls, Swain, Triplett, Watson, Watts and Wortham—51.

Nays—Messrs. Anderson, Ballard, Beck, Brown of San Saba, Brown of Harrison, Bruce, Douglass, Galvan, German, Hart, Henderson of Kendall, Kessler, Mitchell, McLeary, Meissner, Murphy, Rosborough, Roberts, Scott, Simpson, Smith of Travis, Stephens, Von Biberstein and Walker—24.

Mr. Roberts moved to adjourn to 10 A. M. to-morrow. Lost.

Mr. Rainey moved to suspend the rules and put the joint resolution on its final passage. The House refused to suspend.

Leave being granted, Judiciary Committee No. 2 submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 163, entitled "An act to define the Tenth Judicial District of the State of Texas, and to provide the times of the holding of the courts therein, and to attach the county of Rockwall to the Fourteenth Judicial District," have had the same under consideration and instruct me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read the second time, the report was adopted.

On motion of Mr. Epperson the rules were suspended, the bill was read third time and passed.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared House Bill No. 214, entitled "An act to provide money to pay the floating indebtedness of the State," and find the bill correctly enrolled and presented the same to the Governor for his approval this day at 10 A. M.

RAINEY, for Committee.

On motion of Mr. Storey, the Finance

Committee were granted leave to report, and submitted the following:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House No. bill 198, entitled "An act making an appropriation to buy postage stamps for the office of Public Instruction," have considered the same and instruct me to report back said bill and recommend the passage of the same.

W. L. MOODY, Chairman.

The bill having been read the second time, the report was adopted.

Mr. Kemble moved to amend by striking out "one hundred," and inserting in lieu thereof "three hundred." Adopted.

Mr. Henderson of Smith moved to strike out the caption and insert the following in lieu thereof: "An act to appropriate three hundred dollars to pay postage and expressage for the office of Superintendent of Public Instruction."

Mr. Storey moved to lay the amendment on the table. Lost.

The House then refused to adopt the amendment.

The bill was ordered engrossed.

On motion of Mr. Kemble, the rules were suspended, the bill was read the third time and passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Chambliss, Cochran, Delany, Denman, De Morse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Galvan, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Manning, Massey, McCuiston, Mitchell, Meissner, Middleton, Miller, Moody, Murphy, Nicholson, O'Neal, Patrick, Patterson, Price, Rainey, Reeves, Rogers, Roberts, Rosborough, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Stuart of Falls, Triplett, Von Biberstein, Walker, Watson, Watts, and Wortham—70.

Nays—None.

A message from the Senate announced the passage by that body of Senate bill No. 70, for the relief of the several justices of the peace of the several counties in this State, making a list of the scholastic population of their respective counties for the years A. D. 1872 and A. D. 1873.

Leave being granted, Mr. Barziza presented a memorial from Texas veterans, asking relief for certain of their comrades therein named; read and referred to the Committee on State Affairs. Also, the following bills: Making an appropriation to pay the express charges on books sent to the State Library, and postage in sending books in return; read and referred to Judi-

ciary Committee No. 2. To amend section twenty-two of an act entitled "An act to amend an act prescribing the mode of proceeding in district courts in matters of probate," approved August 15, 1870, approved May 27, 1873; read and referred to Judiciary Committee No. 2. A bill to protect the enclosed lands of any person from trespass by shooting, hunting, fishing or fowling; read and referred to Judiciary Committee No. 2. A bill supplementary to "An act to organize the courts of justices of the peace and county courts and to define their jurisdiction," approved August 13, 1870; read and referred to Judiciary Committee No. 2.

On motion of Mr. Rogers, the rules were suspended, and the resolution making it a rule of the House to take up and dispose of business on the Speaker's table on Mondays and Thursdays of each week, was taken up and adopted.

Leave being granted, Mr. Bryan introduced a bill granting pensions to the surviving veterans of the Revolution which separated Texas from Mexico, including the Santa Fe and Meir prisoners, and to provide for the liquidation and settlement of all arrearages due said veterans, under an act of August 13, 1870, previous to January 1, 1874. Read and referred to the Committee on State Affairs.

Leave being granted, Mr. McLeary introduced the following bills: To incorporate the president and directors of the Centre Point Male and Female College, Kerr county, Texas; read and referred to Judiciary Committee No. 2. To incorporate the Saint George's Society, of San Antonio; read and referred to Judiciary Committee No. 2. To incorporate the Polish Saint Albert Association, of San Antonio, Texas; read and referred to Judiciary Committee No. 2.

Leave being granted, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was recommended Senate bill No. 61, "An act to provide for the public printing by contract," return the same without amendment, and unanimously recommend its passage as engrossed.

In returning this bill without amendment, and recommending that it do pass, we deem it due to the House and to ourselves to state briefly the motives that prompt us in making this recommendation. We would state in the outset, that the bill had received before its presentation for the consideration of the Legislature, the mature deliberation of the committees of the two houses on printing and contingent expenses in joint session, and upon which committees there were several practical printers, in addition to others who have

had a general superintendence of the editorial department of newspapers, who, by reason of this association necessarily acquired some knowledge of printing.

Your committee believe from their own practical knowledge, and not from statements of interested parties, that the saving to the State in one year, by the adoption of the contract system, would aggregate fully fifteen thousand dollars or more. This consideration alone, without regard for any other reason, would have induced the recommendation of the passage of this bill. The provision enacting the contract system expressly provides that no contract shall be let at a greater rate than that fixed by the present law. Then, is it not a plain inference, and one that should be readily accepted and acted upon, that if the plan proposed provides any reduction in the cost of the public printing, is it not proper that, as representatives of the people, pledged to all economical measures, and called together to enact laws for the public good, without reference as to how it will effect individuals, we should at least give that method a fair trial which promises a reduction and guarantees that it shall not be in excess of the price heretofore paid.

As to the agreement or understanding that the present public printer was elected for two years, we conclude that the first clause of the bill passed by the Thirteenth Legislature, and by virtue of which he now holds the office, proves conclusively that such a supposition has no foundation, and is a mere assertion of those who have not thoroughly examined the law. We quote: "There shall be elected, by joint vote of the two houses of the Legislature at its present session, and at the first regular session of each succeeding Legislature, at an early day, some suitable person to do the public printing."

Now, if the bill under consideration is voted down, is it not the imperative duty of the present Legislature to proceed immediately to the election of a public printer? And is there any guarantee that the present officer will be re-elected? Has he not already received more of the benefits arising from this law than he had any right to expect at the time of his election? All the public printing of this session has been given him because it was deemed unnecessary to go into a new election until the fate of the bill under consideration had been decided.

As to the supposition that the passage of this bill would be an act of bad faith towards the present public printer, your committee would call attention to the fact that he has been allowed to do considerable work which the law does not give him, and for which he is indebted to this House. In this there is no broken faith. The moment this bill is voted down, if such is its fate, it

then devolves upon this Legislature to elect a public printer. Your committee, however, does not recognize that this is entitled to any consideration, and refer to it only for the reason that the opponents of the bill seem to think that this body would be breaking faith with a party between whom and the State there already exists a contract. Your committee believe that, as representatives of the State, we are supposed to have only its welfare under consideration, and should not look to the success of any particular individual enterprise, and in all things pertaining to our duties should rise above personal considerations. Our action has been upon this basis, and we now ask that we be sustained.

We do not believe that the board provided for by this act would, under any circumstances, endeavor to use it as an engine of political oppression, or for individual advancement or profit. Confiding in the integrity of the Executive, who, we believe, would execute this law in the same spirit as that of all others, and in every instance with an eye single to the interests of the State, and while we consider him above suspicion and beyond reproach, we assert our confidence in the public press, and assert that the time has never been, within the history of our State, and it is not probable that it ever will be, when the free and untrammelled press of this State can be controlled in its political action by dollars and cents. Standing ever as a bulwark between the people and the tide of corruption that is constantly seeking to destroy the best interests of the country, it is ever ready to come to the defense of the people when their rights are assailed, and should be cherished as one of the greatest safeguards to the perpetuation of good government.

A word as to the efficiency of the contract system as compared with the present. The printing of ten thousand copies of the second message of the Governor (delivered a month since) was completed a few days ago. We would ask, of what use are these copies now? Has not the message been published in every paper in the State? and been read and re-read by all who have any interest in the matter? The financial message was also delayed some two weeks. Are the copies of this message a source of any information now to any of our constituents? Has it not also been published and read in every family in the State where it is likely to be read at all? We ask, is this not a useless and extravagant waste of money, for which no legitimate excuse can be rendered, and for which we shall have to answer? If the contract system prevailed, this printing of messages, and all other official documents demanded for immediate use during the sessions of the Legislature, could be let to

more than one party if necessary, and their prompt execution would be the result.

Your committee does not hesitate to say that the typographical appearance of all work done by the public printer is neat in every particular, but we claim that the same mechanical neatness would be observed under the contract system, and that, at the same time, a reduction of price would follow. The bill provides for the size of type to be used in printing the various documents, the number of ems in width, the length of the sheets, etc., and a compliance with the law necessarily follows that the work is well done. Upon this point the law is clear, explicit, and does not admit of evasion, and the party contracting would, of necessity, be compelled to do the work in the same manner and form as now done.

Your committee regret the necessity that forces this defense of their action, but feel that this bill has been unnecessarily and unjustly attacked by those who have not bestowed sufficient thought upon it to understand its advantages over the law now in force on this subject, and who, we believe will, upon more mature deliberation, recognize the efficiency of the plan of letting out the public printing as here proposed.

Your committee point with pride to the fact that the economy and efficiency of the bill under consideration has never been called in question—the only ground of attack having been that it deprives certain parties of office, the fallacy of which we showed in the outset by quoting the law under which said party was elected as public printer.

In conclusion, we claim for our own action freedom from all bias or prejudice. We have looked alone to the benefits to accrue to the State in the passage of this bill as a measure of relief in reducing the public expenditures. Recognizing fully the efficiency of the proposed plan of letting out the public printing by contract, and being fully convinced that it will result in saving a large amount of money to the State annually, if the House fails to sustain us, we are willing for our views to be considered by those who have a practical knowledge of the art of printing, and by the already over-burdened tax-paying population of the State.

L. C. DEMORSE,	H. MANNING,
E. C. STUART,	C. S. JENKINS,
W. J. SWAIN,	A. M. DOUGLASS,
E. D. LINN,	WM. A. WORTHAM,
	Chairman.

Mr. Epperson moved to postpone the further consideration of the bill until Wednesday, March 11, at 12 M., and make it special order for that hour, which carried.

Mr. Watts moved to suspend the rules, take up Senate bills on the table, read them

by caption and refer to committees, which carried.

Senate bill No. 30, concerning landlords and tenants, was referred to the Committee on Agriculture and Stockraising.

Senate bill No. 70, for the relief of the several justices of the peace of the several counties in this State, making a list of the scholastic population of their respective counties for the years A. D. 1872 and A. D. 1873, was referred to Judiciary Committee No. 2.

Senate bill No. 93, to encourage stock-raising and for the protection of stockraisers, was referred to the Committee on Agriculture and Stockraising.

Senate bill No. 89, to incorporate the Southwestern Railroad Company and to grant lands to aid in the construction of its road, was referred to the Committee on Internal Improvements.

Senate bill No. 75, to amend "An act prescribing the times of holding the courts in the several judicial districts in the State," approved November 25, 1871, was referred to Judiciary Committee No. 2.

Senate bill No. 60, concerning the forfeiture of certain sheep and goats, was referred to the Committee on Agriculture and Stockraising.

Senate bill No. 86, to incorporate the Southwestern and Rio Grande Railroad Company, and to aid in the construction of the same, was referred to the Committee on Internal Improvements.

Senate bill No. 80, to prevent speculation by officers and agents in county, city and town contracts and liabilities, was referred to the Committee on Finance.

Senate bill No. 112, to amend an act entitled "An act to amend section eleven of an act entitled 'An act concerning divorce and alimony,'" approved May 27, 1873, was referred to Judiciary Committee No. 1.

By leave, Mr. Wortham introduced a joint resolution making an appropriation to pay for printing the reports of the departments for the use of the Fourteenth Legislature. Read and referred to the Committee on Printing and Contingent Expenses.

Leave being granted, Mr. Smith of Grimes introduced a bill to authorize owners of certificates of indebtedness on account of the penitentiary to exchange them for warrants. Read and referred to the Finance Committee.

Mr. Chambliss, by leave, introduced a bill to amend section eight of "An act to re-incorporate the city of Corsicana," passed May 20, 1873, and presented a memorial relative thereto. Referred to the Committee on Towns and City Corporations.

Mr. Eastland, by permission, offered the following resolution:

Resolved, That the use of this hall be and is hereby granted, on Tuesday night, the

tenth of March, for an examination of the pupils of the Asylum for the Deaf and Dumb. Adopted.

Mr. Stuart of Falls moved to reconsider the vote postponing action on Senate bill No. 61, "To provide for the public printing by contract."

Mr. Pickett moved to adjourn to 9 A. M. to-morrow.

Mr. Moody moved to adjourn to 9:30 A. M. to-morrow, which carried.

FORTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 5, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Denman, Lea, Linn and McCuiston.

On motion of Mr. Rainey, Mr. Denman was granted indefinite leave of absence on account of dangerous sickness in his family.

On motion of Mr. Rosborough, Mr. Stewart of Montgomery was excused on account of sickness.

On motion of Mr. Lawhon, Mr. Linn was excused for the day on account of sickness.

On motion of Mr. Johnson, Mr. Gellatly was excused on account of official business on committee.

The journal of yesterday was read and adopted.

Leave being granted, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee appointed to examine into the condition of the Comptroller's and Treasurer's offices, acting jointly with like committee on the part of the Senate, beg leave to report, that under authority of a resolution authorizing your committee to employ necessary clerical assistance to ascertain the condition of the above named offices, we obtained the services of C. R. Hughes, who had been employed in a similar investigation by a committee of the Thirteenth Legislature, and herewith submit a statement made by him, showing a deficiency in the funds of the State during the incumbency of George W. Honey, late Treasurer, (marked A) of \$4426 08 currency, and \$5700 in coin, in which is included \$2590 32, referred to in the certificates of W. C. Phillips, chief clerk of the Comptroller, and George W. Honey, Treasurer, hereunto attached, (marked B), showing clearly that this amount has not been properly accounted for, all of which is respectfully submitted.

W. D. WOOD,
Chairman Senate Committee.
J. W. KEMBLE,
Chairman House Committee.

The report was adopted.

On motion of Mr. Kemble, one hundred copies of the accompanying papers were ordered printed.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 198, "An act making an appropriation to buy postage stamps for Superintendent of Public Instruction," and find the same correctly engrossed. L. J. STOREY, Chairman.

Mr. Douglass, by leave, presented a petition from citizens of Navarro, Limestone, McLennan and Hill counties, asking the creation of a new county. Read and referred to the Committee on Counties and County Boundaries.

Under the rule, bills on the Speaker's table were taken up.

House bill No. 26, "An act concerning the emancipation of minors," was read third time.

Mr. Nicholson moved to amend by striking out "nineteen," and inserting in lieu thereof "twenty." Lost.

The bill then passed.

House bill No. 113, to make an appropriation to defray the traveling expenses and contingent expenses of the Adjutant General in collecting State arms, was read third time and passed by the following vote:

Yeas—Mr. Speaker, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cardis, Chambliss, Cochran, Donald, De Morse, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Freeman, Galvan, German, Goodwin, Harris, Harrison, Hart, Helton, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Manning, Massey, McCuiston, McLeary, Meissner, Middleton, Moody, Miller, Murphy, Nicholson, O'Neal, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts, and Wortham—73.

Nays—Messrs. Hayes and Mitchell—2.

House joint resolution No. 11, calling a constitutional convention, was taken up, pending the substitute offered by Mr. Stuart of Falls.

Pending discussion, a message from the Senate announced the sitting of that body as a high court of impeachment for the trial of Hon. William Chambers, judge of the First Judicial District, and that they were ready to receive the managers on the part of the House.

On motion of Mr. Sayers, the managers were granted leave to retire.

Mr. Rogers offered as a substitute a bill to provide for submitting to the people the question of a constitutional convention or no constitutional convention. Read first time.

Mr. McLeary moved to re-commit the joint resolution and substitutes to a special committee of five, to be appointed by the Speaker, with instructions to report thereon at 10 A. M. to-morrow. Carried.

The Speaker appointed the following as committee: Messrs. McLeary, Rainey, Stuart of Falls, Rogers and Harris.

House bill No. 72, to amend "An act to incorporate the city of New Braunfels," was read third time and passed.

House bill No. 78, to amend "An act to organize courts of justices of the peace and county courts, and define their jurisdiction and duties," approved August 13, 1870, was read third time.

On motion of Mr. Sayers, the bill was read by sections.

Section one was then read and dopted.

The bill was then passed.

House bill No. 81, to amend the Penal Code, was read third time and passed.

House bill No. 91, to authorize the funding of the debts of the several counties in this State, and to provide for the payment of the same, was read third time.

On motion of Mr. Storey, the bill was laid on the table subject to call.

House bill No. 105, to authorize the use of photographic copies of written instruments in depositions of witnesses in certain cases, was read third time and passed.

Mr. Smith of Grimes, moved to reconsider the vote passing House bill No. 78, to amend "An act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870. Carried.

Mr. Smith of Grimes, moved to amend by striking out the words "six disinterested freeholders or householders," and inserting in lieu thereof "six qualified jurors."

Mr. McLeary moved to recommit the bill to Judiciary Committee No. 2. Lost.

The amendment was adopted. The bill then passed.

House bill No. 118, to authorize the selection of special judges in the criminal courts of this State in certain cases, was read third time and passed.

House bill No. 132, to change the names of Ernest Louis Heinrich Seyberlich to Ernest Louis Henry Kellner; also, the name of Emilie Fredericke Helene Seyberlich to Emilie Fredericke Helene Kellner, was read third time and passed.

House bill No. 140, to punish the taking and destruction of certain products of the farm, garden and orchards of this State, was read third time and passed.

House bill No. 165, to provide for the

registration of deeds, mortgages, and other instruments of writing, in the unorganized counties of this State, was read third time.

Mr. McLeary offered the following amendment: Amend section one, line four, after the word "county," where it first occurs, by striking out the words, "nearest to any unorganized county," and inserting in lieu thereof, "to which any unorganized county is attached for judicial purposes." Adopted. The bill then passed.

House bill No. 173, to repeal "An act entitled 'An act to provide for the employment of private clerks for the judges of the Supreme Court,'" was read third time and passed.

House bill No. 179, to create the county of Lee, was taken up.

Mr. Walker moved to recommit the bill to the Committee on Counties and County Boundaries, together with a protest from citizens of Fayette county against any dismemberment of that county; also a memorial from the same county of the same nature. Carried.

House bill No. 197, to amend section one of "An act regulating elections," approved March 31, 1873, was read third time and passed.

House bill No. 205, to protect fish in the inland streams and waters of the State of Texas during spawning season, was read third time.

Mr. Reeves moved to amend by inserting "dip net." Adopted.

The House refused to engross the bill.

Mr. Harrison moved to reconsider the vote failing to engross the bill. Carried.

Mr. Storey moved to lay the bill on the table, subject to call, which carried.

House bill No. 121, to empower the County Court of Galveston county to issue bonds to build a court house, was read third time and passed.

House bill No. 157, to protect carpenters, mechanics, artisans and other workmen, was read third time and passed.

House bill No. 91, to authorize the funding of the indebtedness of the several counties in this State, and to provide for the payment of the same, was taken up.

Mr. Storey offered the following amendment: Amend by inserting as section four the following: Section four, That all payments on such bonds and the coupons attached thereto, shall be carefully entered in a well bound book to be kept by the treasurer of the county for that purpose, and in addition to such entry, all payments on the principal of such bonds shall be indorsed on the back of such bonds giving dates of such credits. And when any of such bonds and coupons shall have been paid off, the treasurer of the county shall, in the presence of the county court, write across the face of such bonds or coupons, as the

case may be, in red ink the word "cancelled," giving the date of such payment, and shall sign his name thereto officially, and shall deliver the same to the clerk of such court for safe keeping, taking his receipt therefor. Adopted.

Mr. Douglass offered the following amendment: Amend section two, line two, by inserting the word "twenty," before the word "fifty." Adopted.

Mr. Moody moved to amend section one by striking out the word "present." Lost.

Mr. Douglass moved to amend section two, line five, by striking out "ten" and inserting in lieu thereof "eight." Adopted.

Mr. McCuiston offered the following amendment: That any person holding jury warrants or other claims against the county may have the same registered in the office of the county clerk, and they shall draw the same interest as is by this act allowed on bonds.

On motion of Mr. Storey, the amendment was laid on the table.

The bill then passed.

Senate joint resolution No. 133, to require the State Treasurer not to pay certain warrants, except out of funds especially provided for the payment of such warrants, was read third time.

Mr. Galvan offered the following amendment: After the word "date," in line nine, insert: Provided, that all sheriffs whose accounts for 1873, and previous years, remain unsettled, shall be entitled to a credit for all warrants now in their hands on final settlement of their accounts.

On motion of Mr. Watts, the amendment was laid on the table.

Mr. Galvan offered the following amendment: Amend section two by adding thereto, "and provided further, that any warrants or certificates of indebtedness which have been issued in payment of mileage or *per diem* of the members of the Fourteenth Legislature, shall be classed and paid in the same manner as warrants which were issued prior to the fifteenth of January, 1874."

On motion of Mr. Chambliss, the amendment was laid on the table.

The bill then passed.

Senate bill No. 33, to authorize a change of venue in civil cases, was read second time.

Mr. McLeary moved to recommit the bill to Judiciary Committee No. 1, which carried.

House bill No. 209, to provide for common pastures, was read second time.

On motion of Mr. Kemble, the bill was taken up by sections.

Sections one, two, three, four and five were read *seriatim* and adopted.

Mr. Storey moved to amend section six by adding thereto, "and provided further,

that this act shall not be so construed as to permit any person, firm or company to fence up or inclose the lands of another without his consent." The amendment was adopted.

Section six was then adopted.

Sections seven, eight, nine, ten and eleven were adopted.

Mr. Miller moved to amend section twelve by striking out of line seven the word "despasturage," and inserting in lieu thereof "grazing." Adopted.

Sections twelve and thirteen were adopted.

Mr. Triplett offered the following amendment: Strike out section fourteen and insert in lieu thereof: That the operations of this act be suspended in the following named counties, until otherwise provided by law, to-wit: Chambers, Liberty, Jefferson, Hardin, Orange, Newton, Jasper, Tyler, Polk, Grimes, Madison, Walker, San Jacinto, Coryell, Hamilton, Bosque, Brown, Coleman, Runnels, Harrison, Rusk, Brazos, Robertson and Leon.

Mr. Edwards moved to reconsider the vote passing House bill No. 163, to define the Tenth Judicial District of the State of Texas, and to provide the times for the holding of the courts therein, and to attach the county of Rockwall to the Fourteenth Judicial District.

On motion of Mr. Hayes, the House adjourned to 9.30 A. M. to-morrow.

FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, March 6, 1874. }

House met. Roll called; quorum present.
Prayer by the chaplain.

Absent—Messrs. Sayers and Watson.

On motion of Mr. Smith of Grimes, Mr. Sayers was excused for the day on account of sickness.

On motion of Mr. Smith of Grimes, the leave of absence of Mr. Lea was extended indefinitely.

On motion of Mr. Brown of San Saba, Mr. Easley was excused for four days from to-morrow, on account of important business.

On motion of Mr. Rogers, Mr. Linn was excused indefinitely, on account of serious illness.

On motion of Mr. McCuiston, Mr. Nicholson was excused for to-morrow, on account of important business.

On motion of Mr. Rosborough, Mr. Stewart of Montgomery, was excused indefinitely, on account of serious illness.

On motion of Mr. Farrar, Mr. Chambliss was granted leave of absence for a week, on account of important business.

On motion of Mr. Jenkins, Mr. Watson was excused for the day on account of sickness.

A message from the Senate announced that that body was sitting as a high court of impeachment, for the trial of Hon. William Chambers, Judge of the First Judicial District, and was ready to receive the managers on the part of the House.

The journal of yesterday was read and adopted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed bills have carefully compared House bill No. 121, "An act authorizing the County Court of Galveston county to issue and provide for the payment of bonds to be used in erecting suitable buildings for the Supreme Court," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Leave being granted, on motion of Mr. Rosborough the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Buildings have the honor to state that they have examined with careful attention the additions recently made to the Institute for the Blind, together with the plans and specifications, proposals and contract, and beg leave to report as follows:

The plans and specifications for these additional buildings, were prepared by the architect, Prof. Larmour, and bids and proposals called for by advertisements in the newspapers.

Two bids were sent in; one by Nalle & Co., offering to do the work for sixteen thousand dollars in State warrants, the other by Loomis & Christian, for seven thousand six hundred dollars in currency, receiving warrants in payment at market rates.

The bid of Loomis & Christian being the lowest, the contract was allotted to them by the board of trustees. They completed the work in due time, and have received in partial payment the sum of \$7248 09 in warrants, which were sold for \$5193 66 in currency, being a fraction above seventy-one cents.

This leaves due the contractors the sum of \$2406 34 currency, for which we recommend the Legislature to make provision by a sufficient appropriation.

The new buildings consist of two plain and substantial wings of stone, each 60 by 24 feet, extending east and west from the main front. The west wing is two stories high, containing two halls, five closets, two large sleeping rooms, a teacher's room, and a sick room or hospital. The east wing consists of a hall and spacious school room, and is one story high. The walls of the east wing are of the same thickness as the

west wing, with a view to another story being superimposed, should additional accommodations in the future be required. Both wings are furnished with galleries, sixty feet long, and the whole is substantially roofed with tin.

These additions have doubled the accommodations of the institute, and greatly augmented its efficiency. The builders say, and we believe truthfully, that so far from making a profit, they have sustained a considerable loss from the contract.

The buildings are well finished, in accordance with the plan and specifications, and we do not hesitate to say, after a thorough examination, that the work is satisfactorily and honestly done, and that the State has received value for every dollar of the expenditure.

Your committee found, on examination, that the grounds attached to the asylum, consisting of but a single block, are too restricted to afford the necessary facilities for the health, comfort and convenience of the inmates.

The last Legislature, in order to remedy this deficiency, appropriated \$3500 in warrants for the purchase and fencing of an adjoining block of two and a half acres. This sum still remains in the treasury, as the depreciation of warrants prevented the purchase. The land in question can be obtained for \$3800 in coin, which we regard as reasonable.

The town is rapidly extending in the direction of the asylum, and the land, if not sold to the State, will soon be subdivided and sold in lots, preventing in the future any extension of the asylum grounds, except at greatly enhanced rates.

Your committee therefore recommend an appropriation of \$1500 for the purpose indicated, which, when added to the unexpended appropriation, will be sufficient to buy and enclose the additional grounds needed for the use of the asylum.

Your committee would recommend that this report be referred to the Committee on Finance, and that said committee be requested to examine the propriety of making the said additional appropriation of \$1500, and to report their conclusions in reference to the same to the honorable House of Representatives at the earliest day practicable.

D. D. ROSBOROUGH, Chairman.

The report was adopted and referred, with accompanying papers, to the Committee on Finance.

Further report from same committee :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Public Buildings have the honor to report that they have carefully examined the public buildings of the Lunatic Asylum, together with the improvements thereto made, and find that the

Thirteenth Legislature made an appropriation of fifty thousand (\$50,000) dollars for the erection of additional buildings for the purpose of making more room for the comfort, protection and accommodation of that unfortunate class of our citizens. Upon investigation and examination, we find that a pit for the foundation of a new building has been dug, but no foundation laid, no building material, etc., on the ground; and while we find no appropriation made to build stables, hen houses, etc., we find that there has been five to six thousand dollars expended in building and repairing stables, bins, and hen houses.

We also find, that without any authority of law—that we can find—that five hundred and sixty (\$560) dollars were paid one John O. Walker for one pair of mules, and the further sum of four hundred and twenty-nine (\$429) dollars paid to same individual for one ambulance and harness, but fail to find either the mules or ambulance—either in the foundation or walls of the new building.

Your committee would further report that they have also visited the Asylum for the Deaf and Dumb, and have no hesitation in saying that the condition of the same is neat and orderly; and that the buildings and other improvements are sufficient to answer the present demands.

Your committee have also examined the capitol buildings and grounds, and find the repairs upon the same for the year 1873 of a substantial character; but your committee regard the charges for said repairs as extravagantly high, and that in many instances the work could have been done at half the rates charged. Your committee deem it unnecessary to enter into a full report of the high charges made for work on capitol buildings, owing to the fact that there is a special committee appointed for that purpose.

The attention of your committee was called by Comptroller Darden to the fact that the present building for the Comptroller's Department is insufficient for the necessary clerical force, together with the great accumulation of rolls, which rolls need a safe and secure place for their preservation. The rooms now in use now in that department having been constructed with a view to make them fire-proof, necessarily cuts off much of the room for the storage of books, rolls, etc. We further find that an addition can be made to said building at a small expense by building two walls attached to the present building on the northeast, to be two stories high. Your committee is of the opinion that *hard rock* should be used in the construction of said addition, and that it should be built with a view to make it fire-proof. We would recommend that the contract for building should be let

out to the lowest and best bidder, and that the sum of three thousand (\$3000) dollars, or so much thereof as may be necessary, be appropriated for such building, this appropriation to be included in appropriations recommended by the Finance Committee.

D. D. ROSBOROUGH, Chairman.

The report was referred to the Committee on Finance.

On motion of Mr. Storey, Mr. Smith of Grimes, was excused for five days, on account of important business.

The hour for the special order having arrived, the following report thereon was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your special committee, to whom was referred House joint resolution No. 11, "for calling a constitutional convention," and the various amendments thereto and substitutes therefor, have duly considered the same, and a majority of the committee beg leave to report the accompanying joint resolution as a substitute for joint resolution No. 11. The committee are unanimously of the opinion that it is proper to submit the question of calling a constitutional convention to the voters of Texas for their decision. The majority think it best that this question should be voted on at the next general election, and that delegates should not be elected until the people decide directly whether the convention shall be called or not. This seems to be necessary in order to obtain the "sober second thought" of the people, and a full and fair expression of their opinion. While your committee think it desirable that our State should have a new Constitution at as early a day as possible, they believe the formation of our organic law a work too grave and important to be entered upon in haste or completed without mature deliberation.

J. H. McLEARY,
L. M. ROGERS,
JOHN W. HARRIS.

The following minority report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

We respectfully dissent from the majority report, and will, at the proper time, offer a substitute for the resolution offered by the majority of your committee.

Respectfully,

E. C. STUART
FRANK RAINEY.

The substitute offered by the majority having been read, the report of the majority was adopted.

Mr. Reeves moved to reconsider the vote adopting the majority report, which was lost by the following vote:

Yeas—Messrs. Anderson, Barziza, Bean, Bruce, Cochran, DeMorse, Donald, Doug-

lass, Eastland, Edwards, Epperson, German, Goodwin, Harrison, Hart, Hays, Henderson of Kendall, Johnson, Lawhon, Manning, Massey, McCuiston, Middleton, Nicholson, O'Neal, Patterson, Pickett, Price, Rainey, Reeves, Schmidt, Stuart of Falls, Swain, Triplett, Watts and Wortham—36.

Nays—Mr. Speaker, Ballard, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Easley, Freeman, Galvan, Gellatly, Harris, Helton, Henderson of Smith, Jackman, Jenkins, Kemble, Kessler, Lindsey, Mitchell, McLeary, Meissner, Miller, Moody, Murphy, Patrick, Rogers, Rosborough, Roberts, Sadler, Scott, Smith of Travis, Smith of Grimes, Stephens, Story, Von Biberstein and Walker—38.

On motion of Mr. Roberts, Mr. Abnar was excused for the day on account of sickness.

The special orders having been announced, being House bill No. 174, to authorize the sale of the alternate sections of land as surveyed by railroad companies, and set apart for the benefit of the common school fund, and Senate bill No. 59, to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expense of the same,

On motion of Mr. Rainey, the special orders were postponed until the pending matter should be disposed of.

Resuming the pending matter,

Mr. Storey offered the following resolution:

Resolved, That a joint committee of the two houses consisting of five members from each house be appointed to draft a new constitution to be submitted by the Legislature to a vote of the people at the election for congressmen this fall.

Resolved, 2. That said committee be excused from attendance on the two houses until they have completed the task assigned them.

On motion of Mr. DeMorse, the resolution was laid on the table by the following vote:

Yeas—Messrs. Anderson, Ballard, Barziza, Bean, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cochran, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Freeman, Gellatly, German, Goodwin, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Lawhon, Massey, McCuiston, Mitchell, Meissner, Middleton, Miller, Moody, Murphy, Nicholson, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sayers, Sadler, Schmidt, Scott, Smith of Travis, Stephens, Stuart of Falls, Swain, Triplett, Walker, Watts and Wortham—59.

Nays—Mr. Speaker, Brown of Gregg,

Cardis, Chambliss, Galvan, Harris, Jackman, Kessler, Lindsey, Manning, McLeary, Smith of Grimes, Storey and Von Biberstein—14.

Mr. Reeves moved the previous question, which was seconded, and the main question ordered.

The original resolution and the substitute offered by the majority of the committee having been read, the House refused to adopt the substitute by the following vote:

Yeas—Mr. Speaker, Ballard, Beck, Brown of San Saba, Brown of Harrison, Chambliss, Easley, Freeman, Galvan, Gellatly, Harris, Henderson of Smith, Jackman, Jenkins, Kessler, Lindsey, Manning, Mitchell, McLeary, Meissner, Miller, Moody, Murphy, Patrick, Rogers, Rosborough, Roberts, Sadler, Scott, Smith of Travis, Storey and Von Biberstein—32.

Nays—Messrs. Anderson, Barziza, Bean, Bruce, Cochran, De Morse, Donald, Douglass, Eastland, Edwards, German, Goodwin, Harrison, Hart, Hayes, Helton, Henderson of Kendall, Johnson, Kemble, Lawhon, Massey, McCuiston, Middleton, Nicholson, Patterson, Pickett, Price, Rainey, Reeves, Sayers, Schmidt, Smith of Grimes, Stephens, Stuart of Falls, Swain, Triplett, Watts and Wortham—38.

Mr. Rainey offered the following additional section as an amendment:

Section 6. The provisions of the above recited act shall not be of effect unless, at the election for delegates, the vote be taken for or against a convention, which vote shall be provided for in the following manner: Upon the tickets used at said election the voter may write the words "for convention," or "against convention," as he may choose, and the returns of this vote shall be made separately to the Secretary of State in the same manner as is now required to be made for State officers, who after the expiration of forty days, as required by law, shall proceed to count the votes cast for and against convention in the presence of the Governor and Attorney General. And if it shall appear that a majority of the whole vote polled shall be in favor of a convention, then the Governor shall issue his proclamation declaring the result, and directing the delegates elected to assemble at the capital as prescribed in section one of this act, but if the majority of the votes are against convention, then the proclamation shall state that no convention shall assemble.

Mr. Harris moved a call of the House, which was seconded and ordered.

Absent on committee, Messrs. Delany, Epperson, O'Neal and Simpson.

Mr. Sayers moved to suspend the call, which carried.

Mr. Sayers moved the previous question, which was seconded and the main question ordered.

The amendment was then adopted by the following vote:

Yeas—Messrs. Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Chambliss, Cochran, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Gellatly, German, Goodwin, Harrison, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Manning, Massey, McCuiston, Meissner, Middleton, Miller, Nicholson, O'Neal, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rosborough, Sayers, Schmidt, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Watts and Wortham—54.

Nays—Mr. Speaker, Ballard, Beck, Brown of Harrison, Cardis, Freeman, Galvan, Harris, Helton, Kessler, Mitchell, McLeary, Moody Murphy, Rogers, Roberts, Sadler, Scott and Von Biberstein—19.

The joint resolution was then ordered engrossed by the following vote:

Yeas—Messrs. Anderson, Barziza, Bean, Brown of Gregg, Bruce, Cochran, DeMorse, Donald, Douglass, Eastland, Edwards, German, Goodwin, Harrison, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Lawhon, Manning, Massey, McCuiston, Middleton, Murphy, Nicholson, O'Neal, Patterson, Pickett, Price, Rainey, Reeves, Rosborough, Sayers, Schmidt, Smith of Grimes, Storey, Stuart of Falls, Swain, Triplett, Watson, Watts and Wortham—45.

Nays—Mr. Speaker, Ballard, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Easley, Freeman, Galvan, Gellatly, Harris, Helton, Jackman, Kessler, Lindsey, Mitchell, McLeary, Meissner, Miller, Moody, Patrick, Rogers, Roberts, Sadler, Scott, Smith of Travis, Stephens and Von Biberstein—29.

Mr. Moody moved to suspend the rules and put the joint resolution on its final passage, which carried.

The joint resolution then passed by the following vote:

Yeas—Messrs. Anderson, Barziza, Bean, Bruce, Cochran, DeMorse, Donald, Douglass, Eastland, Edwards, German, Goodwin, Harrison, Hart, Hays, Henderson of Smith, Henderson of Kendall, Johnson, Kemble, Lawhon, Manning, Massey, McCuiston, Middleton, Murphy, Nicholson, O'Neal, Patterson, Pickett, Price, Rainey, Reeves, Rosborough, Sayers, Schmidt, Smith of Travis, Smith of Grimes, Storey, Stuart of Falls, Swain, Triplett, Watson, Watts and Wortham—44.

Nays—Mr. Speaker, Ballard, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Easley, Freeman, Galvan, Gellatly, Harris, Helton, Jackman, Jenkins, Kessler, Lindsey, Mitch-

ell, McLeary, Meissner, Miller, Moody, Patrick, Rogers, Roberts, Sadler, Scott, Stephens and Von Biberstein—30.

On motion of Mr. Reeves, House bill No. 209, to provide for common pastures, was taken up, pending the amendment offered by Mr. Triplett, and the special orders were postponed until it should be disposed of.

Mr. Triplett moved to add to the list of counties embraced in his amendment, Harris, Fayette, Comanche, Montgomery, Johnson, Hood, Erath, Eastland, Freestone, Burleson, Waller, Rockwall, Dallas, Tarrant, Anderson, Titus, Fort Bend, Hopkins, Wood, Raines, Hunt, Palo Pinto, Delta, Panola, Shelby, Sabine, Limestone, Red River, Upshur, Smith, Gregg and all the organized and unorganized counties of the Twenty-third and Thirtieth Senatorial Districts.

Mr. Lawhon moved to lay the bill and amendment on the table. Division of the question having been called for, the House refused to table the amendment. The motion to table the bill was then lost. The amendment was adopted.

Mr. Lawhon offered the following amendment; amend section five by adding after line twenty-one the following: "any person or persons who shall violate the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than twenty-five nor more than one hundred dollars for each and every day they shall so violate this section, and shall be also liable for all damages sustained by any person on account of said violation." Adopted.

Mr. Storey moved to amend section eight by inserting after the word "shall," in line four, the word "not;" adopted. Also, the following amendment: Same section, line six, after the word "therein," insert the following: "except such," adopted.

Mr. Murphy offered the following amendment: Add to section thirteen: "nor to the stock of persons owning or controlling such pastures."

Leave being granted, Mr. Douglass presented a petition of the citizens of Navarro, Limestone, McLennan and Hill counties, asking for the formation of a new county to be formed from fragments of the above named counties. Referred to the Committee on Counties and County Boundaries.

On motion of Mr. Roberts, the House adjourned to 9:30 A. M. to-morrow.

FORTY-FOURTH DAY

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 7, 9 A. M., 1874. }
House met. Roll called; quorum present.
Prayer by the chaplain.
Absent—Messrs. O'Neal and Stephens.

On motion of Mr. DeMorse, Mr. O'Neal was excused for the day.

The journal of yesterday was read and adopted.

Mr. Kemble moved to suspend the rules, call the roll and allow each member to introduce one or more bills, not to exceed two, which shall be read by caption and referred. Carried.

Mr. Anderson introduced a bill authorizing the taking of the deposition of witnesses residing in the county in which suits may be pending, by interrogatories; read and referred to the Judiciary Committee No. 2. Also, a bill to provide for and dispose of property bequeathed to the State of Texas for certain purposes by Oscar L. Holmes, and to carry into effect said bequest; referred to Committee on State Affairs.

Mr. Ballard offered a petition from citizens of Colorado county, against the stock law. Referred to the Committee on Privileges and Elections.

Mr. Bean introduced a bill for the relief of Jackson Smiley. Referred to the Committee on Private Land Claims. Also, the following resolution:

WHEREAS, There is in the Department of State a considerable number of copies of the general and special laws of previous Legislatures and other public documents, which should be distributed to the county officers of the State; and

Whereas, No adequate provisions have heretofore been made for the distribution of said laws and other documents; therefore be it

Resolved by the House of Representatives of the State of Texas, That the Committee on State Affairs be instructed to confer with the heads of departments and ascertain as near as possible the number, character and amount of public documents proper to be distributed, and report to this House at as early a day as practicable a bill providing for the distribution of the same.

The resolution was referred to the Committee on State Affairs.

Mr. Brown of Gregg introduced a concurrent resolution providing for the raising of a joint committee to propose amendments to the Constitution. Referred to Committee on Constitutional Amendments.

Mr. Brown of San Saba introduced a bill to amend article 2520 of the Code of Criminal Procedure, referred to Committee on Judiciary No. 1. Also, a bill to amend an act entitled "An act to regulate the fees to be charged by the Commissioner of the General Land Office, approved June 2, 1873; referred to Judiciary Committee No. 1.

Mr. Bruce introduced a bill to amend section nine of an act entitled "An act for the protection of the farming interest of the State;" referred to the Committee on Agriculture and Stockraising. Also, a bill prescribing the mode of paying off all county

liabilities of the several counties of the State; referred to the Committee on Finance.

Mr. Cochran introduced a bill for the relief of Elam and Frances H. Sharpe, of Dallas county; referred to Judiciary Committee No. 2. And a bill supplemental to an act entitled "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871; referred to Committee on Finance.

Mr. Douglass presented a petition of the citizens of Hill county relative to change of boundaries. Referred to the Committee on Counties and County Boundaries.

Mr. Brown of San Saba, for Mr. Easley, presented a memorial from the Lampasas County Court; referred to the Committee on State Affairs. Also, a bill for the relief of the heirs of J. S. Slaughter; referred to the Committee on Private Land Claims.

Mr. Eastland introduced a bill validating certain land titles in Ellis county. Referred to Committee on Private Land Claims.

Mr. Farrar introduced a bill supplementary to and amendatory of "An act to adopt and establish a penal code," approved August 28, 1856; referred to Judiciary Committee No. 1. Also, a bill to amend the first section of "An act to regulate proceedings in the district court," approved January 13, 1846; referred to Judiciary Committee No. 1. Also, a memorial from members of the bar Limestone county; referred to Judiciary Committee No. 1.

Mr. Freeman introduced a bill to incorporate the Hebrew Benevolent Society of Hempstead, in the county of Waller. Referred to the Committee on State Affairs.

Mr. Galvan presented a petition asking the reorganization of Young county. Referred to the Committee on Counties and County Boundaries.

Mr. German introduced a bill for the relief of Obadiah P. Reams; referred to Committee on Private Land Claims; and a bill for the relief of George C. Miles; referred to the Committee on Private Land Claims.

Mr. Goodwin introduced a bill to amend "An act to incorporate the town of Millikan, in Brazos county," approved March 13, 1871; referred to the Committee on Towns and City Corporations. Also, a bill to incorporate the Brazos and Burleson Bridge Company; referred to the Committee on Roads, Bridges and Ferries. Also, a petition of H. C. Lyon for relief; referred to the Committee on Private Land Claims.

Mr. Harris introduced a bill to amend the thirteenth section of "An act to regulate proceedings in the district court," approved May 13, 1846. Referred to Judiciary Committee No. 2.

Mr. Hart introduced a bill to attach Calahan and Taylor counties to Eastland coun-

ty, for judicial purposes. Referred to the Committee on Counties and County Boundaries.

Mr. Hayes introduced a bill to amend article 3716 of "An act organizing the inferior courts and defining the powers and jurisdiction of the same." Referred to Judiciary Committee No. 1.

Mr. Henderson of Smith, introduced a bill to appropriate three hundred dollars to remunerate G. W. Smith for services as librarian. Referred to the Committee on Finance.

Mr. Jackman introduced a bill to define the line between Hays and Comal counties, and the south and northwest corners of Hays county; referred to the Committee on Counties and County Boundaries. Also, a bill to make an appropriation to pay the fees due certain officers in cases of impeachment and addresses against judges, now pending before the Fourteenth Legislature; referred to the Committee on Finance.

Mr. Johnson introduced a bill to adopt and establish a penal code for the State of Texas. Referred to Judiciary Committee No. 1.

Mr. Kemble introduced a bill for the reduction of the expenses of the State government; referred to the Committee on Finance. Also, a bill for the relief of Isaac H. Cooper and memorial relative thereto; referred to the Committee on State Affairs.

Mr. Lawhon introduced a bill to regulate the order of business of the district courts of this State. Referred to Judiciary Committee No. 1.

Mr. Massey introduced a joint resolution authorizing the Comptroller to issue a warrant to S. B. Roberts. Referred to the Committee on Claims and Accounts.

Mr. McCuiston introduced a bill supplemental to and amendatory of "An act entitled 'An act to adopt and establish a penal code,' approved August 26, 1856; referred to Judiciary Committee No. 2. Also, a bill to provide artificial legs and arms for citizens of the State of Texas, who lost their limbs or any of them during the late civil war; referred to the Committee on State Affairs.

Mr. McLeary introduced a joint resolution validating certain acts of the city council of the city of San Antonio; referred to the Committee on Towns and City Corporations. Also, a bill to create the county of Crockett and to establish the boundaries thereof; referred to the Committee on Counties and County Boundaries.

Mr. Meissner introduced a bill to license, tax and regulate the keeping of gaming houses. Referred to the Committee on State Affairs.

Mr. Middleton introduced a bill to incorporate the Fort Worth Street Railway Company; referred to the Committee on

State Affairs. Also, a bill to incorporate the Fort Worth Bridge Company; referred to the Committee on Roads, Bridges and Ferries.

Mr. Moody introduced a bill for the relief of Joe Atkins, sheriff of Galveston county, and William H. Griffin, clerk of the criminal district court of Galveston county. Referred with accompanying papers to Judiciary Committee No. 1.

Mr. Patrick introduced a bill to prevent interference with farm laborers and renters; referred to Judiciary Committee No. 2. Also, a bill prohibiting the collection of debts due for sale of spirituous, vinous and other intoxicating liquors; referred to Judiciary Committee No. 2.

Mr. Patterson introduced a bill to prevent the sale of intoxicating liquors in the vicinity of Pleasant Grove Church, in Lamar county; referred to Judiciary Committee No. 1. Also, a petition of Ira Ward for a certificate for 320 acres of land; referred to the Committee on Private Land Claims.

Mr. Pickett presented a memorial from the citizens of Wise county in reference to certain railroad lands. Referred to the Committee on Public Lands and Land Office.

Mr. Price introduced a bill to authorize the county courts of this State to purchase safes for the district clerks' and sheriffs' offices. Referred to the Committee on Finance.

Mr. Rainey introduced a bill to distribute printed information to induce immigration; referred to the Committee on Immigration. Also, a bill to incorporate the Rusk Tap Railway Company; referred to Committee on Internal Improvements.

Mr. Reeves introduced a bill to repeal an act entitled "An act creating the county of Wegefath." Referred to Committee on Counties and County Boundaries.

Mr. Rosborough presented a petition from certain Texas veterans for relief; referred to the Committee on State Affairs. Also, a memorial of Wm. P. Tuber relative to pensions; referred to Committee on State Affairs.

Mr. Sadler introduced a bill prescribing the time of holding the District Court in the Thirty-fourth Judicial District; referred to Judiciary Committee No. 2. Also, a petition from citizens of Coryell county, asking that Sam Evans be allowed to sell intoxicating liquors at his present house of sale, and a counter petition relative to same matter; referred to the Committee on Towns and City Corporations.

Mr. Sayers introduced a bill to regulate the salary and fees of prosecuting officers in criminal cases. Referred to Judiciary Committee No. 1.

Mr. Scott introduced a bill to amend "An act amendatory of article 263 of the Code

of Criminal Procedure," passed April 27, 1871. Referred to Judiciary Committee No. 1.

Mr. Simpson introduced a bill asking that the Commissioner of the General Land Office issue certain certificates; referred to the Committee on Private Land Claims. Also, a bill to regulate life and health insurance companies, and all associations, partnerships or individuals doing life and health insurance, incorporated within or without the State of Texas; referred to Judiciary Committee No. 2.

Mr. Smith of Travis, introduced a bill to organize and define the powers of the criminal court in and for the county of Travis, and to prescribe the duties thereof; referred to Judiciary Committee No. 1. Also, presented a petition of John H. Robinson, asking indemnity for damages done his property while used as a State arsenal; referred to the Committee on Claims and Accounts.

Mr. Stephens introduced a bill to organize Coleman county; referred to the Committee on Counties and County Boundaries. Also, a bill to define Brown and San Saba land districts; referred to the Committee on Public Lands and Land Office.

Mr. Storey introduced a bill, regulating the appointment of officers of the various asylums in this State; referred to the Committee on State Affairs. Also, a bill supplemental to and amendatory of an act, entitled "An act regulating sequestrations," approved March 15, 1848; referred to Judiciary Committee No. 2.

Mr. Swain introduced a bill to reorganize the Institution for the education of the Deaf and Dumb; referred to the Committee on State Affairs. Also, a joint resolution proposing amendments to the Constitution of the State of Texas; referred to the Committee on Constitutional Amendments.

Mr. Triplett introduced a bill, granting the privilege of collecting tolls at a certain place, and fixing the rate thereof; referred to Judiciary Committee No. 2. Also, a bill to amend sections two of an act, entitled "An act amendatory of and supplemental to an act, entitled 'An act amendatory of and supplemental to an act, entitled 'An act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company,'" passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company, approved April 15, A. D. 1873, and which said act changed the name of said road to "The New Orleans, Mobile and Texas Railway Company;" referred to Judiciary Committee No. 2.

Mr. Von Biberstein introduced a bill to amend section three of "An act regulating taxation," approved June 3, 1873; referred to the Committee on Finance; also, a bill

to provide for the registration of births and deaths; referred to the Committee on State Affairs.

Mr. Walker presented a memorial from citizens of Fayette county, praying for a public inspector of eggs. Referred to Committee on State Affairs.

Mr. Watts introduced a bill to amend article 694 of the Code of Criminal Procedure, approved February 15, A. D. 1858; referred to Judiciary Committee No. 2. Also, a concurrent resolution providing for the forfeiture of *per diem* by members of the Legislature when granted leave of absence on account of business; referred to the Committee on Finance.

Mr. Wortham presented a memorial from the heirs of Huffman; referred to the Committee on Private Land Claims.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House joint resolution No. 11, "calling for a constitutional convention," and find the same correctly engrossed.

L. J. STOREY, Chairman.

The unfinished business of yesterday, House bill No. 209, to provide for common pastures, was taken up pending the amendment offered by Mr. Murphy.

On motion of Mr. Jackman, the bill was recommitted to the Committee on Agriculture and Stockraising.

Senate bill No. 59, to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expense of the same was taken up, being deferred special order.

Having been read second time, Mr. Patrick offered the following amendment: Provided, that no such tax shall be levied or collected until after the county seat of such county is permanently located by a vote of the people, or where the same has been permanently located for five years before the passage of this act.

On motion of Mr. Sayers, the amendment was laid on the table.

Mr. Douglass moved to amend by changing the rate of interest from ten to eight per cent. Lost.

Mr. Patrick offered the following amendment: Provided, that no such tax shall be levied or collected in any county where the county seat is not located within five miles of the geographical centre. Lost.

Mr. McLeary offered the following amendments: In section three, line eight, transpose the words "eight" and "ten." In lines fifteen and sixteen, transpose the words "fifteen" and "twelve." In lines twenty-

one and twenty-two, transpose the words "twenty" and "seventeen." In lines twenty-eight and twenty-nine, transpose the words "thirty" and "twenty-five." Also, in section three, insert the word "the" before the words "county court."

On motion of Mr. Storey, the bill was recommitted to a special committee of five, with instructions to report in half an hour.

Mr. Speaker announced the following committee on the bill: Messrs. McLeary, Rainey, Patrick, Sadler and Watts.

House bill No. 155, to enable the county courts of this State to provide manual labor poor houses and farms, and regulate the control and management of the same, was taken up, being deferred special order.

Pending its reading, a message from the Senate announced the passage by that body of Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, and Senate bill No. 160, to reapportion the State of Texas into congressional districts, and that that body had concurred in the amendments by the House to Senate joint resolution No. 133, requiring the State Treasurer not to pay certain warrants, except out of funds therein specially designated.

The reading of the bill having been finished, on motion of Mr. Triplett, its further consideration was postponed to Tuesday, March 10, 11 A. M.

Reports from Committee on State Affairs, the same being unfinished business:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 224, entitled "An act regulating fire and marine insurance companies," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the accompanying substitute for section thirty of said bill.

W. B. SAYERS, Chairman.

Substitute for section thirty: "Any insurance company incorporated by this or any other State or foreign government, or agent of such company issuing policies of insurance in this State, without first obtaining certificate of authority as provided in sections seven, twenty and twenty-one of this act, or continuing to issue policies after the certificate has been revoked, or offending against any of the provisions of sections nineteen and twenty of this act, shall be liable to indictment, and upon conviction shall be fined not less than one hundred dollars, nor more than two hundred and fifty dollars, for each offense."

On motion of Mr. Sayers, the substitute was adopted, the bill was made special order for Thursday, March 12, at 11 A. M., and one hundred copies were ordered printed.

Report from the special committee on Senate bill No. 59, "to authorize and allow the several county courts in the State to build court houses and jails and make repairs and improvements for the benefit of the county, and to provide funds to defray the expense of the same:"

Amend section three, to read as follows: In any county in this State having a population of 8000 or less, the county court may under the provisions of this act, proceed to order the erection of buildings, and the making of repairs and improvements, the cost of which shall not in any one year exceed the sum of \$5000. In any county in this State having a population of not less than 8000 nor more than 10,000, the county court may order the erection of buildings and the making of improvements and repairs not to exceed in cost in any one year the sum of \$10,000. In any county in this State having a population of not less than 10,000 or more than 15,000, the county court may order the erection of buildings and the making of improvements, and repairs not to exceed in cost in any one year the sum of \$15,000. In any county in this State having a population of not less than 15,000 nor more than 20,000, the county court may order the erection of buildings and the making of improvements and repairs not to exceed in cost in any one year the sum of \$20,000. In any county in this State having a population of not less than 20,000 nor more than 30,000, the county court may order the erection of buildings and the making of improvements and repairs not to exceed in cost in any one year the sum of \$30,000. In no case under this act shall any county court order the erection of buildings, or the making of repairs or improvements, in addition to those already ordered and authorized by this act, till the buildings or repairs or improvements antecedently ordered and authorized, have been fully paid for. In all cases where the county court of any county in this State has ordered the erection of any buildings, or the making of any repairs or improvements, under this act, they shall continue to levy the taxes in this act specified, or so much of the same as they may deem necessary, from year to year, till the amount levied and collected shall be sufficient to defray the expense of such buildings, repairs or improvements.

In section seven, line twenty-two, strike out the words "the rate of" before the words "ten per cent."

The amendments offered by the committee were adopted, and the bill thus amended was passed to third reading.

(Mr. Harrison in the chair.)

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to

whom was referred House joint resolution No. 18, appropriating \$1000 to erect a monument to Gen. Sam Houston, have had the same under consideration, and instruct me to report it back, with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The report was adopted.

The joint resolution having been read second time, Mr. Rainey moved to amend by striking out "\$1000," and inserting in lieu thereof "\$5000."

Mr. DeMorse moved to recommit the bill to the Committee on Finance.

Mr. Von Biberstein moved to temporarily postpone the further consideration of the bill, which carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 134, a bill to be entitled "An act to pay sheriffs for furnishing blankets, medicines, etc., to prisoners, and for cleansing and purifying the jails," have had the same under consideration and instruct me to report the same back with the recommendation that it do not pass, as they believe that sufficient provision is made for the subject matter of said bill by existing laws.

W. B. SAYERS, Chairman.

The report was adopted indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred a petition of citizens of Dallas county, asking passage of a law similar to the Ohio liquor law, have instructed me to return the same, with the recommendation that it be referred to Judiciary Committee No. 1, which has charge of the subject referred to.

W. B. SAYERS, Chairman.

The report was adopted and reference made.

A message from the Senate announced the passage by that body of Senate bill No. 91, "for the relief of the purchasers of university lands, and to validate the patents heretofore issued."

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred bill No. 228, a bill to designate the holidays to be observed in the payment of bills of exchange, bank checks and promissory notes, have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The bill having been read second time, the report was adopted.

(Mr. Speaker in the chair.)

Mr. Storey moved to strike out the enacting clause. Lost.

Mr. McLeary moved to amend by inserting the second of March and twenty-first of April. Lost.

The bill was ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred the petition of George W. Paschal, praying for relief, have had the same under consideration, and inasmuch as it is impossible for the committee to ascertain the indebtedness of the State to the memorialist, have instructed me to report the accompanying joint resolution, and recommend its passage.

SAYERS, Chairman.

The joint resolution, authorizing the Governor to settle the claim of George W. Paschal, having been read, the House went into committee of the whole upon the same, Mr. Harrison being called to the chair.

After discussion, the committee rose and recommended the adoption of the following amendments, and that thus amended the bill do pass:

Add to the end of section one, the following: "After deducting all offsets and credits for moneys in the hands of said Paschal due the State of Texas."

Section two, strike out the last two words in the third line, and the first word of the fourth line, and insert in lieu thereof "on settlement."

The report of the committee was adopted, and the joint resolution was passed to a second reading.

On motion of Mr. Sayers, the rules were suspended, the joint resolution was read second time.

Mr. Sayers offered the following amendment: After the word "Paschal," in section two, insert "that may be found to be." Adopted.

The joint resolution was ordered engrossed.

Mr. Von Biberstein offered the following concurrent resolution:

Resolved, That a special joint committee of seven from the House and three from the Senate be appointed to take into consideration the question of an appropriation of \$1000 to erect a monument to Gen. Sam. Houston.

Mr. Galvan moved to amend by substituting "five" in place of "seven." Carried.

The resolution was adopted.

The Speaker appointed the following committee under the resolution Messrs. Von Biberstein, Manning, Watts, DeMorse and Rainey.

On motion of Mr. Triplett, the House adjourned to 9:30 A. M. Monday.

FORTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 9, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Lawhon and O'Neal.

On motion of Mr. DeMoise, Mr. O'Neal was excused for the day on account of important business.

On motion of Mr. Henderson of Kendall, Mr. Lawhon was excused for the day on account of official business.

Pending the reading of the journal a message was received from his Excellency the Governor, with accompanying documents.

The reading of the journal having been completed it was adopted.

After being granted, Mr. Harrison presented a petition from citizens of Kaufman county, protesting against any dismemberment of said county. Read and referred to the Committee on Counties and County Boundaries.

The Speaker submitted a petition from citizens of Beat No. 1, of Harrison county, relative to county boundaries. Referred to Committee on Counties and County Boundaries; also,

An appeal in behalf of Louisiana to the Senate of the United States for the fulfillment of the constitutional guaranty to her of a republican form of government as a State in the Union; referred to the Committee on Federal Relations.

By leave, Mr. McLeary presented a protest from citizens of Atascosa, Bexar, Medina and Frio counties, against the creation of a new county. Referred to the Committee on Counties and County Boundaries.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed bills have carefully compared House bill No. 228, "An act to designate the holidays to be observed in the payment of bills of exchange, bank checks and promissory notes;" also, House joint resolution No. 22, "authorizing the Governor to settle the claim of George W. Paschal;" and also, House amendments to Senate bill No. 59, "An act to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same," and find each correctly engrossed.

L. J. STOREY, Chairman.

The following communication from his Excellency the Governor, was taken up:

EXECUTIVE OFFICE, }

AUSTIN, March 9, 1874. }

To the Honorable Senate and House of Representatives:

GENTLEMEN—I hand you herewith a report of Hon. Jacob Kuechler, late Commissioner of the General Land Office, found in the office by the Hon. J. J. Groos, the present Commissioner, and sent to this office a few days since by him. This report embraces the operations of the Land Office from September 1, 1872, to August 31, 1873, and shows that during that time 1,632,609 acres of land have been patented, together with the class and character of scrip in virtue of which the lands were granted. It further shows that for office fees, patent fees, government dues, pre-emption dues, and from sales of public land, the sum of \$32,358 48 has been received in the office, and that during the same period 6394 certificates for land, amounting in the aggregate to 3,996,336 1-2 acres, have been issued, and stand as liabilities against the vacant public domain, besides 281,000 acres taken up under pre-emption laws; and that 5753 files, covering 6,789,456 acres, have been made during the same time. The area of the State is estimated in this report at 175,594,560; liabilities heretofore reported, 86,751,855 1-2, increased liabilities, 4,277,336 1-2, total liabilities, 91,029,192; area against which no claim exists now actually issued, 84,565,368 acres.

I commend to the careful consideration of your honorable bodies the recommendation made in this report of additional legislation on the various matters therein referred to.

SUPREME COURT

I invite the attention of your honorable bodies to a full consideration of the report of Hon. O. M. Roberts, chief justice of the Supreme Court, herewith transmitted. This report and accompanying exhibits show, in detail and most lucidly, the condition of the court, its docket, libraries, its financial account, etc., as also the legislation rendered necessary by the reorganization of the court on a new basis. I recommend that your honorable bodies place this report in the hands of a committee, with instructions to report, as promptly as possible, bills for enactment to meet the suggestions and recommendations therein, believing, as I do, that such legislation is necessary to the proper and successful operation of the court. I suggest promptness in this matter because the court is much embarrassed and obstructed in its business now, for want of legislation adapted to its changed condition.

GEOLOGICAL SURVEY.

I transmit herewith to your honorable bodies the report of John W. Glenn, late State Geologist, together with accompany-

ing exhibits. Having just received this report, and having not had time to read and examine it, except in the most cursory and hasty manner, I can simply invite the attention of your honorable bodies to its proper consideration.

The resignation of Mr. Glenn of this office, to take effect on the first day of March, was handed to me some twenty days since, and accepted. Mr. S. B. Buckley, a citizen of Travis county, Texas, an incumbent of this office under the administration of Governor Throckmorton, a learned and scientific geologist, has been appointed to fill the vacancy.

It is believed that under his control and direction a geological survey of Texas will be prosecuted, with results eminently satisfactory. I recommend that your honorable bodies make appropriations for this work liberal enough to insure its steady, healthy progress. A proper geological survey of Texas must be the work of years, and no time should be lost in making it. There is no economy in dealing parsimoniously with the subject. The law requiring the survey ought either to be repealed, or an appropriation to keep the work moving constantly should be made. A survey of Texas made by a competent geologist, will be of incalculable value, and will do more to invite the investment of capital in industries, now unknown in Texas, and of primary importance to her development than can be done in any other way. Every interest in the State will be benefitted by it.

PETITIONS TO THE FOURTEENTH LEGISLATURE.

I herewith hand you petitions signed by thirty-eight hundred and twenty (3820) citizens of twenty-nine (29) counties in Texas, which have been forward to me with request that they be laid before your honorable bodies. These petitions ask the enactment by your honorable bodies of a law similar to the "Ohio liquor law." It is an universally admitted fact, that the intemperate use of ardent spirits is the prolific source of more vice, crime and physical and mental disease, and consequently of more human misery and degradation than any other known. I might probably say with truth, than all other causes combined. So general and widespread, and universal is the evil, that it challenges the best efforts of the philanthropist, and the statesman, for its amelioration. Its victims fill our jails and penitentiaries, hospitals, lunatic asylums, poor and work houses, and claim the charity of the people in hundreds of forms. The burden of this evil upon society is enormous, in actual outlay of money, in caring for its victims. Who can estimate the injury arising from destruction of property, health and character, and

the social and moral evils caused directly and indirectly by this great cause?

That the law-making power is charged with the duty and responsibility, and is invested with the power of promoting the general welfare of the body politic, and for this purpose, by appropriate legislation, of suppressing all causes which affect unhealthfully the interests of society, none can doubt. Nor can any doubt exist of the duty of the Legislature, or of its power to so regulate and restrict any traffic, or avocation, as to bring it within bounds which shall be consistent with the public interests, or at least shall not be hurtful to the general welfare, and even to entirely suppress it when the paramount interests of society may require it.

I have no specific measure of legislation to recommend to your honorable bodies on this subject, but ask that these petitions be considered with that respect due the numbers and intelligence of the signers, and in that spirit of friendship due the great work of moral reform in which they are so earnestly engaged.

COMMUNICATION FROM HON. W. A. RICHARDSON, SECRETARY OF THE TREASURY OF UNITED STATES.

I respectfully call the attention of your honorable bodies to the accompanying communication from the Treasury Department of the United States, with reference to the cession by the States, of submarine sites for light houses to the United States, and recommend the passage of a general law authorizing the executive of the State, under such restrictions as will properly guard the rights of the State, to make such cessions as the demands of commerce may require, and the United States government desire. I suggest that no cessions should exceed ten acres, and that concurrent jurisdiction for the execution of all civil and criminal process issued from State courts should be reserved.

CLAIM AGAINST THE STATE FOR LEGAL SERVICES.

I hand herewith to your honorable bodies a communication from Messrs. Terrell & Walker, and Sheeks & Sneed, attorneys-at-law of this city, preferring a claim against the State for legal services, rendered in defense of suits brought by various parties against the State for lands between the Nueces and Rio Grande rivers, in the District Court of Travis county, under an act of the Twelfth Legislature. Among the exhibits will be found a list of the cases, all of which are represented, and believed to have been tried in the district court, and to have been prepared for the Supreme Court—some thirty-two in number. The title to about one hundred and seventy leagues of land, in the aggregate, is involved in these suits. Accompanying the papers will also

be found a letter from Hon. Wm. Alexander, late Attorney General, certifying that these gentlemen were employed, at his urgent solicitation, to defend these suits, and that they did defend them, and are entitled to compensation for their services. Also a letter from the present Attorney General, George Clark, certifying that the records of these cases, now in the Attorney General's office, show they were defended in the district court and prepared for the Supreme Court by these gentlemen.

I recommend that an appropriation be made of such an amount as will be a just and reasonable compensation to these gentlemen for their services already rendered in the district court, and for their further attention to them in the Supreme Court. The interest at stake is of considerable value, and these gentlemen being already familiar with the cases, are well prepared to represent the rights of the State, and can do so, perhaps, more effectively than another who has had no previous knowledge of the cases.

SPECIAL REPORT OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

I transmit, herewith, for the information of your honorable bodies the special report of Hon. O. N. Hollingsworth, superintendent of Public Instruction. This officer has been but a very short time in possession of the papers and records of his office, and has labored with great diligence and zeal to bring something like order out of the chaos he found prevailing in the office when he entered it. The report has just been handed to me, and is so voluminous that I have had no time to examine its various suggestions and recommendations. I ask for this report the full consideration which the importance of the subjects treated merits. Very respectfully,

RICHARD COKE.

On motion of Mr. Delaney, that portion of the message and accompanying documents were referred to a special committee, of seven.

The Speaker appointed the following gentlemen said committee: Messrs. Harris, Epperson, Delaney, Farrar, Stephens, Henderson of Kendall and Barziza.

On motion of Mr. Harrison, that portion relative to public lands and Land Office, was referred with documents accompanying to the Committee on Public Lands and Land Office.

On motion of Mr. Kemble, that part relative to education was referred with accompanying report to the Committee on Education.

On motion of Mr. Cochran, that portion relative to the geological survey and accompanying report was referred to the Committee on State Affairs.

On motion of Mr. German, that portion

relative to petitions asking for the passage of a law similar to the Ohio liquor law, was referred with accompanying documents to a special committee of seven, to be appointed by the Speaker.

The Speaker appointed on said committee, Messrs. German, Kessler, Massey, Hayes, Simpson, Storey and Brown of Gregg.

On motion of Mr. Brown of Gregg, all petitions and memorials relative to the above matter now in the hands of the committees of the House were transferred to the special committee just named.

On motion of Mr. Galvan, that portion of the message relative to cession of sites for light houses to the United States was referred to the Committee on Commerce and Manufactures.

On motion of Mr. Henderson of Kendall, that part relative to claims against the State for legal services was referred to the Committee on Finance.

By leave, Mr. Wortham introduced a bill to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas, which was read first time and referred to the special committee on the sale of liquors.

Senate bill No. 91, for the relief of the purchasers of university lands and to validate the patents heretofore issued, was read second time.

On motion of Mr. Reeves, Judiciary Committee submitted the following report, having a reference to the same subject matter:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2 have had under consideration House bill No. 117, "A bill to be entitled an act for the relief of purchasers of university lands and to validate patents issued to the same," and I am instructed by a majority of the committee to report said bill back to the House with the recommendation that it do pass.

L. J. STOREY, for the Committee.

The bill having been read second time, on motion of Mr. Reeves it was laid on the table subject to call. On motion of Mr. Storey, the Senate bill was postponed to 1 P. M., March 10, and made special order for that hour.

By leave, Mr. Storey offered the following resolution:

Resolved, That the Treasurer of the State be, and he is hereby requested to furnish this house at once with the names of persons, and the amounts paid by them for university lands during the late war, the kind of money paid, date of payment and in what counties the land so paid for are situated; the amounts still due the State for such lands sold under the act of August 30, 1856, and November 12, 1866,

by whom due and in what county are such lands situated. The resolution was adopted.

A message from the Senate announced the passage by that body of House bill No 198, "to make an appropriation to buy postage stamps for the Superintendent of Public Instruction."

Senate bill No. 160, "to re-apportion the State of Texas into Congressional districts," was read first time and referred to the Committee on State Affairs.

Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, was read first time.

On motion of Mr. Douglass, the bill was referred to Committee on Education and one hundred and twenty copies ordered printed.

A message from the Senate announced the passage by that body of Senate bill No. 180, to validate certain agreements filed in the office of the Secretary of State in accordance with the requirements of "An act concerning private corporations," approved December 2, 1871. Senate bill No. 189, to authorize justices of the peace to employ assistant assessors in certain cases. Senate bill No. 192, to validate assessments made by assistants assessors. Senate bill No. 239, to fix the *per diem* and mileage of witnesses summoned in cases of address or impeachment against the judges of the Twenty-second, Twenty-fourth and Twenty-fifth Judicial Districts.

On motion of Mr. Triplett, the rules were suspended and the last named bill was taken up, read first time, rules suspended, read second time and passed to third reading.

On motion of Mr. Triplett, the rules were further suspended, the bill read third time and passed.

House bill No. 92, to create the office of public weigher, and regulating the appointment and duties of the same was taken up on its third reading, pending the motion of Mr. Miller to reconsider the vote engrossing the bill.

Pending the matter, a message from the Senate announced that that body was sitting as a high court of impeachment to try Hon. Wm. Chambers, judge of the First Judicial District, and was ready to receive the managers on the part of the House.

On motion of Mr. Sayers, the managers were granted leave to retire.

(Mr. Harrison in the chair.)

Resuming the pending bill, the motion to reconsider was put and carried.

Mr. Moody offered the following amendment: Amend section two, line five, by striking out "a fit and suitable person as public weigher," and insert "one or more competent persons at the discretion of the Governor as public weighers." Adopted;

Mr. Moody offered the following amendment: Section eight, add to the end of the section, "or to prevent the owner or owners from employing one not a public weigher, to weigh the same." Adopted.

Mr. Kessler offered the following amendment: Section two, strike out the words in lines four and five, "as in the judgment of the Governor may be expedient," and insert in lieu thereof, "mayor and board of aldermen may petition for." Lost.

Mr. Henderson, of Smith, offered the following amendment:

Amend section two, in line seven, after the word "office" insert "until the expiration of the term of office of the Governor appointing him, and until his successor is appointed and qualified." Adopted.

The bill was ordered engrossed.

On motion of Mr. Reeves, the rules were suspended and the bill was read third time.

Mr. Barziza moved to amend section two by inserting after the word "misconduct" the words "or incompetency." Adopted.

Mr. Wortham moved to amend section seven, lines five and six, by striking out "fifteen" and inserting in lieu thereof "ten." Adopted.

The bill then passed by the following vote:

Yeas—Messrs. Anderson, Ballard, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cardis, Cochran, Delany, Donald, Douglass, Eastland, Edwards, Freeman, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Kessler, Lindsey, Massey, Matthews, McCuston, Middleton, Miller, Moody, Nicholson, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Sadler, Sayers, Scott, Schmidt, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson and Wortham—58.

Nays—Messrs. Abnar, Barziza, Brown of Harrison, De Morse, Epperson, Henderson of Kendall, Manning, Mitchell, McLeary, Meissner, Murphy, Patrick and Roberts—13.

On motion of Mr. Sayers, Mr. Cardis was added to the Committee on Printing and Contingent Expenses.

On motion of Mr. Hayes, Mr. German was added to the Committee on Education.

On motion of Mr. Kessler, Mr. McLeary was added to the special committee on the sale of liquors.

(Mr. Speaker in the chair.)

House bill No. 190, to re-apportion the State into Congressional districts, was taken up and referred to the Committee on State Affairs.

House joint resolution No. 20, to adjourn *sine die* on the first day of April, 1874, was read second time.

On motion of Mr. Epperson, its further consideration was postponed until March 23, 1874.

The resolution prescribing 9 A. M. as the hour for the beginning of the morning session, was read. Mr. Barziza, offered the following amendment:

Resolved further, That the House meet daily also at 7:30 P. M. Lost.

Mr. Epperson moved to amend by adding to the resolution, "unless otherwise ordered." Mr. Reeves moved to amend the amendment by adding thereto, by a two-thirds vote of the House.

Mr. Pickett moved to lay both amendments on the table. Division of the question being called for, the amendment to the amendment was laid on the table. The House refused to table the amendment. The amendment was then adopted.

On motion of Mr. Reeves the resolution was laid on the table.

House bill No. 213, relating to the head-right claim of Louis Rosseau to 320 acres of land, was read second time and ordered engrossed.

On motion of Mr. Schmidt, the rules were suspended, the bill was read third time and passed.

By leave, Mr. Ballard presented a memorial of the heirs of James Mitchell; referred to the Committee on Private Land Claims.

A message from the Senate announced the appointment by that body of Senators Hobby, Bradley and Ledbetter a committee on the part of the Senate to act with the like committee on the part of the House to consider the question of erecting a monument to Gen. Sam. Houston.

Senate bill No. 59, to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to pay the expense of the same, was taken up and read third time.

Mr. Sayers moved to amend section three by striking out the words "not more than thirty thousand." Carried.

The bill then passed.

House bill No. 174, to authorize the sale of the alternate sections of lands as surveyed by railway companies and set apart for the benefit of the common school fund, was taken up and read third time.

On motion of Mr. Kemble, the bill was taken up by sections.

Section one was adopted.

Mr. DeMorse moved to amend section two, line one, by striking out "six," and inserting in lieu thereof "three." Adopted.

Sections two, three and four were adopted.

Mr. Lawhon moved to amend section five, line fifteen, by adding after the word "otherwise," the words "or related by affinity or

consanguinity to any one so interested." Adopted.

Mr. Reeves moved to amend section five by striking out the words "citizens of the county," in lines four and five.

Mr. Barziza moved to amend section five by striking out from the first word down to and inclusive of the word "otherwise," so as to make it read as follows. That the Governor shall appoint three commissioners for one or more of said counties, to value each sub-division of said land; said commissioners shall be citizens of the State and qualified electors therein, and in no wise interested in said land by settlement upon the same or otherwise, or related to any person by affinity or consanguinity who is interested in said land." Adopted.

The section was adopted.

Mr. Reeves moved to strike out "county" in line six, section six, and insert in lieu thereof "counties." Adopted.

Section six was adopted.

Mr. Barziza offered the following amendment: Amend section seven, from line six, after the word "therein," and down to and inclusive of the word "acre" in line eight, so as to read as follows: "Provided, that in no case shall any land be sold under the provisions of this act for a price less than one dollar and fifty cents per acre."

Mr. Douglass moved to amend the amendment by striking out "and fifty cents." Lost.

Mr. Ballard moved to amend by striking out "one" and inserting in lieu thereof "two."

On motion of Mr. Reeves, the amendment to the amendment and the amendment were laid on the table.

Mr. Sadler moved to amend section seven, line four, by striking out "there." Adopted.

Mr. Storey moved to amend section seven by striking out line five, and the first word in line six, and inserting in lieu thereof the following: "taking into consideration the improvements thereon."

Mr. Epperson offered a substitute for the bill and amendment, which was read.

On motion of Mr. Galvan, Mr. Lindsey was granted leave of absence for one week on account of important business.

On motion of Mr. Epperson, Mr. Barziza was added to the special committee on judicial districts.

On motion of Mr. Sadler, the House adjourned to 9:30 A. M. to-morrow.

FORTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 10, 1874. }
House met. Roll called; quorum present.
Prayer by the chaplain.

Absent—Messrs. Cardis and Sayers.

The journal of yesterday was read and adopted.

On motion of Mr. Swain, Mr. Sayers was excused for the day, on account of sickness.

On motion of Mr. McLeary, Mr. Cunningham, assistant clerk, was granted leave of absence for four days, beginning with to-morrow, on account of important business.

On motion of Mr. Rogers, Mr. Lawhon was granted leave of absence for eight days, beginning with to-morrow, on account of important business.

On motion of Mr. Wortham, Mr. Cain was excused for two days.

The Speaker submitted a communication, asking the use of the Hall of Representatives for a lecture on musical telegraphy; referred to the Committee on State Affairs. Also, the following communication from the Treasurer, relative to the sale of University lands, in response to a resolution of inquiry from the House.

TREASURY DEP'T, OF TEXAS, }
AUSTIN, March 10, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

In reply to resolution of your honorable body, of the ninth instant, requiring certain information concerning payments made during the late war, upon University lands sold by the State, where those lands are situated, and the amounts yet due on same, I have the honor to inform you that the records of this department are not now in a condition to furnish the desired information. Much labor and careful investigation will be required to place them in an intelligible form. The limited clerical force at my disposal, and the large amount of office business to be attended to, will prevent my completing the records referred to, as speedily as I desire; but will do so at the earliest possible day.

I am very respectfully,

ANDREW J. DORN, Treasurer.

On motion of Mr. Storey, the communication was ordered spread upon the journal.

The unfinished business of yesterday, being House bill No. 174, to authorize the sale of the alternate sections of lands as surveyed by railway companies and set apart for the benefit of the common school fund, was resumed, pending an amendment offered by Mr. Storey, and a substitute for the bill and amendment by Mr. Epperson.

Mr. Storey moved to recommit the bill and substitute to Judiciary Committee No. 2. Lost.

Mr. Stuart of Falls, offered as a substitute for the bill and substitute, "A bill to provide for the sale of the common school lands, the University lands and lands set apart to the various asylums," which was read.

Mr. Stuart of Falls moved to refer the whole matter to a special committee of seven, which carried.

The Speaker appointed the following gentlemen said committee: Messrs. Stuart of Falls, Epperson, Reeves, Storey, Rainey, Stewart of Montgomery and DeMoise.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 92, "An act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof." Also, House bill No. 213, "An act relating to the headright claim of Louis Rosseau to three hundred and twenty acres of land," and find each correctly engrossed.

L. J. STOREY, Chairman.

Mr. McLeary presented a protest from citizens of Lavernia, Wilson county, against the prohibition of the sale of liquor in that section. Referred to the special committee on the Ohio liquor law.

Mr. Lawhon presented a petition from citizens of Bee county for the Ohio liquor law. Referred to the special committee on Ohio liquor law.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, House bill No. 198, entitled "An act making an appropriation to buy postage stamps for the office of Public Instruction, and presented the same to the Governor for his approval this day at 12 M.

RAINEY, for Committee.

Mr. Anderson presented a petition from citizens of Panola and Harrison counties, asking the formation of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Smith of Grimes, presented petitions for and against the sale of liquors in the vicinity of Oakland Church, Grimes county. Referred to the special committee on Ohio liquor law.

Mr. Sadler presented a petition of Frederick Grimes, of Coryell county, a Texas veteran, asking certificate for 640 acres of land. Referred to the Committee on Private Land Claims.

Mr. Price presented a memorial of W. B. Royall, calling attention to his patent cotton-worm destroyer. Referred to the Committee on Agriculture and Stockraising.

On motion of Mr. Barziza, the Committee on Public Lands and Land Office were granted leave to report, and submitted the following:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to whom was referred Senate bill No. 78, entitled "An act to define the land districts of Palo Pinto, Jack, Clay, Young and Eastland, and to make valid the surveys and locations made therein," have considered the same, and a majority of the committee instruct me to report the same back with the following amendment defining the limits of the land districts therein named, to-wit:

Amend section two by striking out all after the word "Washington," in sixth line, down to "to," in thirteenth line in same section, and insert "thence up the Prairie Dog Town Fork of Red River to the twenty-fourth meridian of longitude west from Washington, thence north with said longitude to the north boundary line of the State of Texas, thence west to the east boundary line of the Territory of New Mexico, the northwest corner of the State of Texas, thence south to the thirty-fourth parallel of latitude to the northwest corner of Young land district, as provided for in this bill, thence east with the north boundary line of Young land district to the west boundary line of Hardeman county."

Second amendment. In section three, line two, between the words "Wilbarger" and "Greer," strike out "and," and insert between the words "Greer and shall" the following: "and the territory included within the following described limits, beginning at the initial monument on the twenty-third meridian of longitude west from Washington thence up the Prairie Dog Fork of Red River with the north boundary line of Jack land district, as defined by this act, to the twenty-fourth meridian of longitude west from Washington; thence north with the east line of said Jack land district to the north boundary line of the State of Texas; thence east with the north boundary line of the State of Texas to the northern northeast corner of the State of Texas; thence south along the northeastern boundary line of the State of Texas to the northwest corner of the county of Greer.

Third amendment. Section seven, line six, strike out "proper," and insert "legal."

And there being various other sections of the bill involving questions of law, the majority of the committee instruct me to report the bill back with the recommendation that the whole bill, with the amendments defining the limits of the land districts (which this committee recommend), together with this report, be all referred to Judiciary Committee No. 2 for their consideration and report.

BARZIZA, Chairman.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office to whom was referred the petition of George Hancock, asking permission to sue the State for alleged claims arising out of the Mercer colony contract, have considered the same, and a majority of the committee instruct me to report the same back, with the recommendation that it be not granted.

BARZIZA, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to whom was referred House bill No. 305, entitled "An act to define Brown and San Saba land districts," have considered the same, and report back a substitute for said bill, entitled "An act to define the land districts of Brown and of San Saba," and the committee recommend that said substitute reported by them do pass.

BARZIZA, Chairman.

The substitute, being a bill to define the land districts of Brown and San Saba, having been read, was adopted, read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office to whom was referred House bill No. 24, entitled "A bill to validate certain surveys and locations made in Aransas county," after carefully considering the same, report it back with the recommendation that it do not pass.

BARZIZA, Chairman.

The report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee to whom was referred a memorial from the citizens of Wise county, praying for relief in regard to the location and settlement of lands within the Memphis, El Paso and Pacific Railroad Company reserve, after considering the same, and there being involved therein constitutional and legal questions, instruct me to report the same back, with the recommendation that it be referred to Judiciary Committee No. 1, for their consideration.

BARZIZA, Chairman.

Report adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred the report of Jacob Kuechler, late Commissioner of the General Land Office, made to the late Governor E. J. Davis, together with the letter of the present Commissioner J. J. Groos, addressed to Governor Coke, explaining how Commissioner Groos came into possession of said report, have examined the same, and recommend that five

hundred copies of said report, together with said communication from Commissioner Groos to Governor Coke be printed. And in regard to the suggestions made in both the reports of both commissioners relative to the condition of the Land Office building they recommend that that portion of the reports be referred to the Committee on Public Buildings.

And in regard to that portion of the report of the late Commissioner Kuechler and of Commissioner Groos (the latter of which is printed), relating to necessary legislation upon the subjects therein named, they recommend the immediate passage of the accompanying concurrent resolution, as the committee believe that the evils complained of ought to be immediately corrected.

BARZIZA, Chairman.

The report was adopted.

The concurrent resolution raising a joint committee of two from the House and one from the Senate, to take into consideration the report of the late Commissioner of the General Land office, was read and adopted.

The Speaker appointed Messrs. Miller and Von Biberstein said committee on the part of the House.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 222, "An act to require the Commissioner of the General Land Office to furnish copies of field notes and surveys to the counties of the State," beg leave to report the same back and recommend that it do pass with the following amendment to section one: "Provided the counties pay for said records at the rate of eight cents per hundred words."

A. M. DOUGLASS, Chairman *pro tem*.

The report was adopted; the amendment was adopted; the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office, to whom was referred House bill No. 15, "An act to amend 'An act for the benefit of actual occupants of the public lands,' approved May 26, 1873, have had the same under consideration, and instruct me to report the same back and recommend that it do not pass.

A. M. DOUGLASS, Chairman *pro tem*.

The report was adopted.

The special order, House bill No. 155, to enable the county courts of this State to provide manual labor poor houses and farms, and regulate the control and management of the same, was announced.

On motion of Mr. Epperson, it was postponed to allow the call of committees to proceed.

By leave, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your special committee to whom was referred that portion of the message of the Governor which has reference to the report of Hon. O. M. Roberts, Chief Justice of the Supreme Court, relating to matters appertaining to said court, have had the same under consideration and herewith report a bill to be entitled "An act to regulate proceeding in the Supreme Court," and would most respectfully recommend its passage.

JOHN W. HARRIS, of Committee.

The bill, being a bill to regulate proceedings in the Supreme Court, having been read, the report was adopted.

On motion of Mr. Epperson, the rules were suspended and the bill was read second time.

Mr. McCuiston moved to so amend the bill as to make the returns from Fannin and Lamar counties returnable to Austin. Carried.

On motion of Mr. Rainey, the returns for the county of Angelina were made returnable to Galveston.

On motion of Mr. Patrick, the returns from Robertson county were made returnable to Austin.

The bill was ordered engrossed.

On motion of Mr. Epperson, the rules were further suspended, and the bill was read third time.

Mr. Epperson moved to fill the blank in section twelve with "two hundred dollars." Carried.

The bill then passed.

Reports from Judiciary Committee No. 2:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2 has had under consideration House bill No. 233, a bill to be entitled "An act to enable certain clerks of district courts to hold the office of justice of the peace, and to legalize the official acts of the same." It is the opinion of the committee that said bill contains two objects, and I am therefore instructed to report as a substitute for said bill "An act to enable clerks of the district courts in certain counties to qualify as justices of the peace."

I am also instructed to report an original bill in connection therewith to be entitled "An act to legalize the acts of certain officials," and recommend that said substitute and reported bill do pass.

L. J. STOREY, for Committee.

The substitute having been read, the report was adopted.

The bill was then read second time and ordered engrossed.

House bill No. 316, "An act to legalize the acts of certain officials," reported by the committee, was then read first time.

On motion of Mr. Henderson of Kendall,

the rules were suspended, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred House bill No. 234, a bill entitled "An act to provide for the holding of two or more county offices by one person in certain counties," have had the same under consideration and I am instructed to report as a substitute for said bill, a bill to be entitled "an act to enable one person to hold two or more offices in certain counties," and recommend that said substitute do pass.

L. J. STOREY, for Committee.

The substitute having been read the report was adopted. The substitute was then adopted, read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 64, "An act amendatory of an act, supplemental to 'An act authorizing the disposition and sale of the university lands,'" approved August 30, 1856, approved November 12, 1866, have considered the same, and the majority of the committee instruct me to report the bill back to the House with the following amendments, viz.: Insert in line seven, section five, after the word "otherwise," the words "or of kin to any one so settled." Amend section seven by striking out in lines six and seven the words "one dollar and fifty cents," and insert in lieu thereof "three dollars." Amend section eight, in line three, by striking out the word "three" and inserting in lieu thereof "four," and recommend that the bill, as amended, do pass.

L. J. STOREY, for Committee.

Minority report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

A majority of one of Judiciary Committee No. 2 have reported upon and recommended the passage of Senate bill No. 64, entitled "An act amendatory of an act supplemental to 'An act authorizing the disposition and sale of the University lands,'" approved August 30, 1856, approved November 12, 1866, from which report I feel compelled to dissent.

In these lands the "University of Texas" has the grandest endowment ever made for a similar purpose on this continent. In addition to the fifty leagues set apart by our fathers in 1839, comprising the best lands in the State, there cannot be less than 500,000 more acres reserved for this purpose from the alternate sections surveyed by railroad and canal companies. Add to this the \$100,000 United States bonds; added to this fund in 1858, and we have a grand total of not less than \$3,814,000. A great deal of this land is now occupied by

mere trespassers who have hewn down and destroyed the timber, knowing full well that it belongs to this sacred fund.

I take it that the university is a corporation authorized to hold these lands; and without the consent of its officers we cannot dispossess them.

The bill ignores the rights of the university entirely, does not even consult its officials, and without their consent, forces every foot of this land upon the market; not to the highest bidder, but it transfers to the settler at such a price as may be set on the same by a committee of three selected for each county where the land is situated, without taking into consideration the increased value of the lands by reason of the improvements thereon. Nor is any provision made for the payment of rents by the occupants. Were these lands the property of an individual, these occupants could but be regarded as trespassers with both actual and constructive notice, and would not only be required to pay rents but would lose their improvements also.

The appraisers are to be three for each county, and will in all probability be selected from the counties in which the land is situated, and if so, they will have to be something more than human, if they can prevent their sympathies for their neighbors from warping their judgment to some extent.

In legislating upon this subject we should forget every other consideration, and keep constantly in view the interest of the university instead of the interest of the trespasser upon its lands. This bill has reversed that order and proposes to legislate for the sole interest of the trespasser and against the university. And if the bill should pass in its present shape, I think the caption should be amended so as to read "An act to enable the present occupants to possess themselves of the University land of Texas at a reduced price."

When any of these lands are sold, I think the assent of the administrators should be secured. I think the lands should be sold to the highest bidder, and at least one-fifth of the purchase money paid down, giving the present occupant the preference, as the highest bidder.

I think that only such portions of this land should be sold as the administrators think to the interest of the University to sell, and at the proper time will offer amendments to the bill in harmony with my views.

Respectfully submitted,

L. J. STOREY.

The amendments to sections five and seven were read and adopted *seriatim*.

The House refused to adopt the amendment to section eight.

The report was then adopted.

Mr. Smith of Grimes offered the follow-

ing amendment: Amend by inserting after the word "provided," in line eight, section one, "whenever, in his opinion, it shall be for the advantage of the fund heretofore created or which may hereafter be created for the endowment of one or more universities by the republic or State of Texas."

Mr. McLeary moved to recommit the bill, with the pending amendment to the special committee on House bill No. 174.

The special order, being Senate bill No. 91, for the relief of the purchasers of University lands, and to validate the patents heretofore issued, was announced.

On motion of Mr. McLeary, the special order was postponed two minutes.

The motion to postpone the pending bill was then put and carried.

(Mr. Harrison in the chair.)

The special order was then taken up and read.

Mr. Jackman moved to recommit the bill to the special committee on House bill No. 174, which carried.

A message from the Senate announced the adoption by that body of the following resolution:

Resolved, That the standing Committee on the General Land Office be and are hereby instructed to visit the General Land Office and examine in person the condition of that institution, and how the same has been administered during the last five years, and that the Committee on the General Land Office of the House of Representatives be requested to join the Senate committee in said examination.

Also, that the Senate had concurred in the amendments by the House to Senate bill No. 59, "An act to authorize and allow the several county courts in this State to build court houses and jails and make repairs and improvements for the benefit of the county, and to provide funds to defray the expense of the same."

On motion of Mr. Hayes, the House adjourned to 9.30 A. M. to-morrow.

FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 11, 1874. }

House met. Roll called; quorum present.
Prayer by the chaplain.

Absent—Mr. Henderson of Kendall.

On motion of Mr. McLeary, Mr. Henderson of Kendall was excused on account of sickness.

On motion of Mr. Stuart of Falls, Mr. Rosborough was granted indefinite leave of absence on account of sickness in his family.

Mr. Galvan announced that Mr. Lindsey

would not avail himself of the leave of absence granted him on yesterday.

The journal of yesterday was read and adopted.

On motion of Mr. Epperson, the rules were suspended and the call of committees was resumed.

Reports from Judiciary Committee No. 2: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 70, entitled "An act for the relief of justices of the peace of the several counties in this State, making a list of the scholastic population of their respective counties for the years A. D. 1872 and A. D. 1873," have had the same under consideration, and instruct me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, and the bill was passed to third reading.

Mr. Stuart of Falls, moved to suspend the rules, and put the bill on its third reading.

Mr. Harrison moved to recommit the bill to the Committee on Education, which carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 29, entitled "An act to validate the registry of deeds, bonds, and other evidences of title in certain cases," have had the same under consideration and instruct me to report it back and recommend that it do not pass.

B. H. EPPERSON, Chairman

The bill having been read second time, the report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 56, entitled "An act to regulate the collection of accounts from another State, or from another county in this State than that in which suit is brought," have had the same under consideration, and instruct me to report it back, and recommend the following amendments, and with them made, the passage of the bill:

1. Strike out the words in section one, in lines five, six and seven, "coming from another State, or from another county in this State than that in which the suit is brought."

2. Strike out the word "with," in line seven, and insert the words "supported by."

3. Add to the end of section one the following, "provided, however, that the party thus sought to be charged shall have the right to rebut such *prima facie* evidence by denying under oath the

justice of such account or any part thereof, setting forth in his affidavit the items and particulars which are unjust, which affidavit shall be filed in due order of pleadings as is required in filing, a plea of *non est factum*."

4. Amend caption so as to make it conform to the bill as amended, by striking out all after the word "accounts," in first line.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report and amendments were adopted, and the bill passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 53, entitled "An act to amend article five hundred and eighty-seven of the code of criminal procedure," have had the same under consideration and have instructed me to report it back and recommend its passage.

B. H. EPPERSON, Chairman

The bill having been read second time, the report was adopted and the bill passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 117, have had the same under consideration, and have instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill, being a bill to amend section thirteen of "An act providing for a geological survey of the State of Texas," approved August 13, 1870, having been read second time, the report was adopted and the bill passed to its third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred Senate bill No. 3, entitled "An act to regulate the call of the docket and disposition of causes in the Supreme Court," have had the same under consideration, and have instructed me to report it back, and to recommend that it do not pass.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 32, "An act to amend article 773, b, of 'An act to establish a criminal code for the State of Texas,'" have had the same under consideration, and have instructed me to report it back and recommend its passage,

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 57, entitled "An act to provide for the registration of voters in all incorporated towns and cities within the State not otherwise provided for by law," have had the same under consideration, and instructed me to report it back and to recommend the following amendments, and the passage of the same. Amend section two by striking out in fourth line the word "register," and insert in lieu thereof "cause to be registered and to be entered." In sixth line of second section insert the words "the name of," before the word "every."

B. H. EPPERSON, Chairman.

The bill having been read second time, the amendments were read *seriatim* and adopted, and the bill passed to third reading.

On motion of Mr. Epperson, the rules were suspended and the bill was read third time.

Mr. Epperson offered the following additional section as an amendment: Section 4. That this act take effect and be in force from and after its passage. Adopted.

The bill then passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 2, to whom was referred House bill No. 122, "An act to amend and supplemental to 'An act to provide for the incorporation of towns and cities,'" approved May 26, 1873, the same being, "An act to amend and supplemental to 'An act to provide for the incorporation of towns and cities,'" approved January 27, 1858, have had the same under consideration and instruct me to report the accompanying substitute for the original bill and recommend that the substitute do pass.

B. H. EPPERSON, Chairman.

The substitute having been read, the report was adopted, and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Internal Improvements to whom was referred Senate bill No. 76, entitled "Joint resolution asking our Senators and Representatives in Congress to procure an appropriation by Congress to improve the navigation of Soda Lake and Cypress Bayou," have had the same under consideration, and instruct me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The joint resolution having been read second time, the report was adopted and the joint resolution passed to third reading.

On motion of Mr. Epperson, the rules were suspended, the joint resolution was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Internal Improvements, to whom was referred House bill No. 154, entitled "An act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railroad Company," have had the same under consideration, and instruct me to report it back, and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

Mr. Nicholson moved to postpone the further consideration of the bill to 11 A. M. to-morrow, which carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 27, entitled "An act to amend sections five, eight, seventeen and nineteen of an act entitled 'An act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road,'" have had the same under consideration, and have instructed me to report the accompanying bill as a substitute, and to recommend its adoption and passage.

B. H. EPPERSON, Chairman.

The substitute having been read, and a protest against the passage of the Senate bill, the discussion thereon was cut off by the special order, Senate bill No. 61, to provide for the printing by contract.

The special order was temporarily postponed on motion of Mr. Harrison, and the Senate resolution requesting the House Committee on the General Land Office to act with the like Senate committee in a personal investigation of that office, with a view to an early report thereon, was read and adopted.

Resuming the pending special order, Mr. Epperson offered the following amendment to section twelve: Add to section twelve: "and deducted from the amount due for the printing upon which this additional expense was incurred." Adopted.

Mr. Epperson moved to amend section fifteen by striking out of line seven the words "its passage," and inserting in lieu thereof "the first day of December, 1874."

Mr. Rainey offered the following substitute for the amendment: Strike out all after the word "after," in line seven, and insert in lieu thereof "ten days after its passage."

The substitute was adopted by the following vote:

Yeas—Mr. Speaker, Anderson, Ballard, Bean, Beck, Brown of Gregg, Bruce, DeMorse, Douglass, Eastland, Edwards, German, Goodwin, Harris, Harrison, Hart, Helton, Henderson of Smith, Jenkins, Johnson, Kemble, Kessler, Lindsey, Linn, Man-

ning. Massey, Matthews, Mitchell, Middleton, Moody, Murphy, Oxsheer, Patrick, Patterson, Rainey, Rogers, Rosborough, Sadler, Scott, Smith of Travis, Smith of Grimes, Stuart of Falls, Swain, Von Biberstein, Watson and Wortham—46.

Nays—Messrs. Abnar, Barziza, Brown of San Saba, Brown of Harrison, Cardis, Cochran, Donald, Epperson, Fariar, Foote, Freeman, Galvan, Gellatly, Hayes, Jackman, McCuiston, McLeary, Meissner, Miller, Nicholson, Pickett, Price, Reeves, Roberts, Sayers, Schmidt, Simpson, Stephens, Storey, Triplett and Walker—31.

Mr. Stuart, of Falls, moved the previous question, which was seconded and the main question ordered. The amendment was adopted. The bill then passed.

Reports from Committee on Engrossed Bills.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 234, "An act to enable one person to hold two or more offices in certain counties;" also, House bill No. 305, "An act to define the land districts of Brown and of San Saba;" and also House bill No. 316, "An act to legalize the acts of certain officers," and find each correctly engrossed.

L. J. STOREY, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives of Texas:

Your Committee on Engrossed Bills have carefully examined the following House bills, to-wit: House bill No. 222, "An act to require the Commissioner of the General Land office to furnish copies of field notes and surveys to the counties of the State;" also, House bill No. 233, "An act to enable clerks of the District Court in certain counties to qualify as justices of the peace;" and also, House bill No. 315, "An act to regulate proceedings in the Supreme Court," and find each correctly engrossed.

L. J. STOREY, Chairman.

On motion of Mr. Swain the House adjourned to 10 A. M. to-morrow.

FORTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 12, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Mr. Henderson of Kendall.

On motion of Mr. DeMorse, Mr. McLeary was granted leave of absence for two days, beginning with to-morrow, on account of important business.

On motion of Mr. Kessler, Mr. Henderson

of Kendall, was excused for the day on account of sickness.

The journal of yesterday was read and adopted.

A message from the Senate announced the passage by that body of House bill No. 133, to enlarge and define the boundaries of Wilson county; and House bill No. 136, to create and organize the county of Tom Green.

Leave being granted, Mr. Stuart of Falls submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your select committee, to whom was referred Senate bill No. 91, for the relief of the purchasers of University lands, and to validate the patents heretofore issued, have had the same under consideration, and have instructed me to report the same back to the House with an amendment and unanimously recommend its passage.

E. C. STUART, Chairman.

Amend section four by striking out all after the word "the," in line three, to the word "shall," in line four, and insert in lieu thereof: "first day of January, 1869."

The bill having been read second time, the report and amendment were adopted, and the bill passed to third reading.

On motion of Mr. DeMorse, the rules were suspended, the bill was read third time and passed.

Senate bill No. 32, to amend article 773b of "An act to establish a criminal code for the State of Texas," was read third time and passed.

Senate bill No. 53, to amend article 587 of the Code of Criminal Procedure, was read third time and passed.

Senate bill No. 117, to amend section thirteen of "An act providing for a geological survey of the State of Texas," approved August 13, 1870, was read third time and passed.

Senate bill No. 56, to regulate the collection of accounts, was read third time and passed.

Senate bill No. 180, to validate certain agreements filed in the office of the Secretary of State in accordance with the requirements of "An act concerning private corporations," approved December 2, 1871, was read first time and referred to Judiciary Committee No. 1.

Senate bill No. 189, to authorize justices of the peace to employ assistant assessors in certain cases, was read first time.

Mr. Reeves moved to suspend the rules and put the bill on its second reading, which carried.

The bill was read second time and passed to third reading.

On motion of Mr. Reeves, the rules were further suspended, the bill read third time and passed.

Senate bill No. 192, to validate assessments made by assistant assessors, was read first time.

On motion of Mr. McCuiston, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Reeves, the rules were further suspended, the bill read third time and passed.

House joint resolution No. 22, authorizing the Governor to settle the claim of Geo. W. Paschal, was read third time and passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Barziza, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Cochran, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Eppersen, Farrar, Foote, Freeman, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Kessler, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Middleton, Miller, Moody, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Price, Rainey, Reeves, Rogers, Roberts, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Triplett, Von Biberstein, Walker, Watson, Watts, and Wortham—74.

Nays—Mr. Swain—1.

House bill No. 222, to require the Commissioner of the General Land Office to furnish copies of field notes and surveys to the counties of this State, was read third time and passed.

House bill No. 228, to designate the holidays to be observed in the payment of bills of exchange, bank checks and promissory notes, was read third time and passed.

House bill No. 233, to enable certain clerks of the district courts to hold the office of justice of the peace, and to legalize the official acts of the same, was read third time and passed.

A message from the Senate announced that that body concurred in the House amendments to Senate bill No. 61, to provide for the public printing by contract.

House bill No. 224, to regulate fire and marine insurance companies, was announced, being special order for the hour; also House bill No. 154, amendatory of an act, entitled "An act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana Railway Company," approved April 27, 1870.

On motion of Mr. Simpson, the special orders were postponed until the business on the Speaker's table should be disposed of.

House bill No. 234, to enable one person to hold two or more offices in certain counties, was read third time and passed.

House bill No. 305, to define the land districts of Brown and San Saba counties, was read third time and passed.

Report from Committee on Engrossed Bills.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 122, "An act to amend and supplemental to an act to provide for the incorporation of towns and cities," approved May 26, 1873, the same being "An act to amend and supplemental to 'An act to provide for the incorporation of town and cities,' approved January 27, 1853, and find the same correctly engrossed.

L. J. STOREY, Chairman

The bill just reported was read third time and passed.

House bill No. 224, to regulate fire and marine insurance companies, was taken up.

On motion of Mr. McLeary, the bill was postponed to Friday March 20. at 11 A. M. and made special order for that hour.

House bill No. 154, amendatory of "An act entitled 'An act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railway Company,'" approved April 27, 1870, was taken up and read second time.

Mr. Nicholson moved to indefinitely postpone the bill, which failed by the following vote:

Yeas—Messrs. Bean, Bruce, Cain, Cochran, DeMorse, Douglass, Easley, Foote, German, Hart, Hayes, Helton, Henderson of Smith, Jenkins, Linn, Matthews, McCuiston, Middleton, Nicholson, Patterson, Rainey, Rogers, Stephens, Watson and Wortham—25.

Nays—Mr. Speaker, Abnar, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of Harrison, Cardis, Eastland, Edwards, Epperson, Farrar, Freeman, Galvan, Gellatly, Harris, Harrison, Jackman, Johnson, Kemble, Kessler, Lindsey, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Moody, Murphy, O'Neal, Oxsheer, Patrick, Price, Reeves, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Triplett, Von Biberstein, Walker and Watts.—49.

The bill was ordered engrossed.

House bill No. 205, to protect fish in the inland streams and waters of the State of Texas during the spawning season, was taken up, read third time and passed.

House bill No. 185, to amend section two, eight and twelve, of "An act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870, was taken up on its second reading.

On motion of Mr. Simpson, the House proceeded to consider it by sections.

Mr. Walker moved to amend section one by striking out "two hundred and fifty," wherever those words occur, and inserting in lieu thereof, "five hundred." Lost.

Sections one, two and three were then adopted *seriatim*.

Mr. McLeary moved to amend section four by striking the word "such" out of line eighty-nine. Adopted.

Mr. Smith of Grimes, offered the following amendment: Amend by filling the blank in line seventy-nine with the word "part," and also by striking out of same line, the word "act," and inserting in lieu thereof the word "section." Adopted.

Mr. Farrar offered the following additional section to the bill: Section 5. That this act take effect and be in force five years after the passage thereof.

Mr. Sayers moved to amend by striking out "five years," and inserting in lieu thereof "from and."

On motion of Mr. McLeary, both amendments were laid on the table.

Section four was then adopted.

Mr. Cochran offered the following additional section: Section 5. All laws in conflict with the provisions of this act are hereby repealed, and that this act take effect and be in force from and after its passage. Adopted.

Mr. Smith of Grimes moved to amend the caption by inserting the word "fifteen" after the word "twelve." Adopted.

On motion of Mr. Smith of Grimes, the further consideration of the bill was postponed to 11 A. M. to-morrow.

By leave Mr. Storey introduced a bill for the relief of the farming interests of the State. Read by caption and referred to the Committee on Agriculture and Stockraising.

By leave, Mr. Moody introduced a bill to protect the wages of laborers, hired men and employees from the writ of garnishment; read by caption and referred to Judiciary Committee No. 1.

Mr. Foote presented a petition asking the prohibition of the sale of liquor near the town of Weston, in Collin county. Read by caption and referred to the committee on Towns and City Corporations.

Mr. Abnar introduced a bill to prohibit the hiring of minors without the consent of parents or guardians, and to punish such hiring. Read by caption and referred to Judiciary Committee No. 1.

Mr. Barziza presented a petition of P. Jenks Mahon for relief. Read by caption and referred to the committee on Private Land Claims.

Mr. Smith, of Grimes, introduced a bill to provide for supplying the records of Madison county destroyed by fire. Read by caption and referred to Judiciary Committee No. 2.

Mr. Meissner introduced a bill to amend section three of "An act regulating taxation," approved June 3, 1873. Read by caption and referred to the Committee on Finance.

Mr. Simpson moved to call the roll and allow members to present petitions, etc., and introduce bills, which should be read by caption and referred. Carried.

Mr. Anderson introduced a bill to amend the seventy-eighth section of "An act to define the powers and jurisdiction of district courts," passed May 13, 1846. Referred to Judiciary Committee No. 2.

Mr. Ballard introduced a bill for the relief of Jacob Fifer. Referred to Committee on Private Land Claims.

Mr. Bean introduced a bill to incorporate the town of St. Joe. Referred to the Committee on Towns and City Corporations.

Mr. Barziza introduced a bill requiring county treasurers to make out and post and publish monthly statements, and to punish them for failing or refusing to do so. Referred to Judiciary Committee No. 2.

Mr. Bruce introduced a bill to authorize the Commissioner of the General Land Office to issue to L. B. Blair unconditional certificate for six hundred and forty acres of land. Referred to the Committee on Public Lands and Land Office.

Mr. Cardis introduced a bill to provide for the payment of the salaries of Supreme and district judges. Referred to Judiciary Committee No. 2.

Mr. Cochran introduced a bill to prohibit the sale of intoxicating liquors within a radius of two miles of the Masonic high school at Lancaster, in Dallas county. Referred to the Committee on Education.

Mr. Eastland introduced a joint resolution relative to the apportionment of the school fund. Referred to the Committee on Education.

Mr. Edwards introduced a bill to regulate the rate of toll of public mills. Referred to the Committee on State Affairs.

Mr. Epperson introduced a bill to prescribe the mode of establishing the liabilities of drawers and indorsers of bills of exchange and promissory notes. Referred to Judiciary Committee No. 2.

Mr. Farrar presented a petition to prohibit the sale of intoxicating liquors within four miles of a church and school house situated in Lost Prairie, in Limestone county. Referred to the special committee on the Ohio liquor law. Also, a protest of citizens of Limestone county, against the dismemberment of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Gellatly introduced a bill to repeal article thirty and article thirty-one of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870. Referred to Judiciary Committee No. 2.

Mr. Hayes offered the following resolution:

WHEREAS, The chief clerk has failed for the last week to furnish the members of this House postage stamps, be it

Resolved, That the committee on contingent expenses be required to take into consideration the causes and the propriety of curtailing the number of papers to one that contains a full and complete statement of the proceedings of this Legislature, and to report so soon as practicable.

Referred to the Committee on Printing and Contingent Expenses.

Mr. Jackman introduced a joint resolution requiring the Secretary of State to furnish the county of Hays with Texas Reports from volume one to the twenty-fifth supplement of said reports; referred to the Committee on State Affairs. Also, a petition of citizens of Guadalupe county asking the passage of a law similar to the Ohio liquor law; referred to the special committee on the Ohio liquor law. Also, a petition of citizens of Guadalupe county, asking to be attached to Hays county; referred to the Committee on Counties and County Boundaries.

Mr. Jenkins introduced a bill to dispose of fractional surveys of public domain, and to provide for an appropriation of the proceeds thereof. Referred to the committee on Public Lands and Land Office.

Mr. Linn presented a petition of citizens of San Patricio county, asking a change of the boundary line between the counties of San Patricio and Bee. Referred to the committee on Counties and County Boundaries.

Mr. McCuiston offered a concurrent resolution raising a joint committee of both Houses of the Legislature to inquire into the propriety of changing the site of the Agricultural and Mechanical College. Referred to the committee on Education.

Mr. Middleton presented a petition from citizens of Tarrant county, asking the passage of a law similar to the Ohio liquor law; referred to the special committee on the Ohio liquor law. He also introduced a bill to change the name of Adelaide L. Lorange and Clara Grace Lorange to Adelaide L. Simpson and Clara Grace Simpson; referred to Judiciary Committee No. 2.

Mr. Murphy introduced a bill amendatory of "An act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces," passed July 26, 1870; referred to the Committee on Counties and County Boundaries. Also, a bill to amend article 769 of the Penal Code; referred to Judiciary Committee No. 2.

Mr. Nicholson presented a petition of the board of trustees of the Mount Pleasant Grove Camp Ground, in Fannin county, asking the prohibition of sale of liquor within one mile of said camp ground. Referred

to the special committee on the Ohio liquor law.

Mr. Reeves introduced a bill creating the Red River and Texas Real Estate and Banking Company. Referred to the Committee on State Affairs.

Mr. Rogers introduced a joint resolution to amend article ten, section four, of the State Constitution. Referred to the Committee on Constitutional Amendments.

Mr. Roberts introduced a bill to provide for the erection of two new States within the jurisdiction of the State of Texas. Referred to the Committee on State Affairs.

Mr. Scott introduced a bill to amend article 695 of the Code of Criminal Procedure. Referred to Judiciary Committee No. 1.

Mr. Simpson introduced a bill to establish the University of Texas; referred to the Committee on State Affairs. Also, a bill regulating the determination of civil causes by juries; referred to Judiciary Committee No. 1. Also, a bill to provide for the amendment of town and city charters; referred to Judiciary Committee No. 2.

Mr. Smith of Travis, introduced a bill defining the qualifications of electors at special elections; referred to Judiciary Committee No. 2. Also, a bill to provide for the revision of the registration lists in the several counties, cities and towns of this State prior to special elections therein; referred to Judiciary Committee No. 2. Also, a petition of citizens of Travis county; referred to the Committee on Agriculture and Stockraising.

Mr. Swain introduced a bill to amend "An act entitled 'An act to establish and maintain a system of public free schools in the State of Texas,'" approved May 22, 1873. Referred to the Committee on Education.

Mr. Von Biberstein introduced a bill to amend "An act to organize the Bureau of Immigration," approved May 23, 1871; referred to Committee on Immigration. Also, a petition from citizens of Washington county to amend the city charter of the city of Brenham; referred to the Committee on Towns and City Corporations. Also, a memorial from citizens of Washington county, asking the reopening of the navigation of the Brazos river; referred to Committee on Internal Improvements.

Mr. Kemble presented a petition from citizens of the Twentieth Senatorial District, asking the passage of a law similar to the Ohio liquor law. Referred to the special committee on the Ohio liquor law.

On motion of Mr. Hayes, Messrs. O'Neal and Wortham were added to the special committee on the Ohio liquor law.

On motion of Mr. Foote, the House adjourned to 9:30 A. M. to-morrow.

FORTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 13, 1874. }

House met. Roll called; quorum present.
Prayer by the chaplain.

Mr. DeMorse announced that Mr. McLeary would not avail himself of the leave of absence granted him on yesterday.

Journal of yesterday read and adopted.

A message from the Senate announced the passage by that body of Senate joint resolution No. 208, instructing and requesting our Congressional delegates to urge upon Congress the speedy reimbursement of Henry Warren for losses incurred by reason of the destruction of his wagon train and other property by the Comanche, Kiowa and Cheyenne Indians; and Senate bill No. 71, to amend "An act entitled 'An act to incorporate the Agricultural, Mechanical and Bloodstock Association of Texas,'" approved October 20, 1866.

Mr. Rainey, by leave, introduced a bill in aid of the public interest of the State of Texas. Read by caption and referred to Judiciary Committee No. 1.

Mr. Bryan introduced a bill relating to county surveyors; read by caption and referred to Judiciary Committee No. 1. Also a bill to amend the fifth section of "An act regulating jurors," passed May 19, 1873; read by caption and referred to Judiciary Committee No. 1.

Mr. Smith of Grimes, for Mr. Stewart of Montgomery, presented a petition of H. B. Baldwin for the heirs of Jas. C. De Witt, for one league and labor of land, and introduced a bill for the relief of James C. De Witt, granting one league and labor of land. Both referred to the Committee on Private Land Claims.

Leave being granted, Mr. McLeary submitted the following reports:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your special committee, to whom was referred the memorial of M. Priest, judge of Fourth Judicial District, asking that his defense, and the evidence in his case, be read in both houses and spread upon the minutes of each, have duly considered said memorial, and recommend that the request be not granted, inasmuch as article five, section ten, of the Constitution, only provides that the causes for which removal is required, and the vote taken thereon, shall be spread upon the journals, and that to spread the defense and evidence upon the journals would encumber them to a great extent, and that no injustice can be done the memorialist, as his defense and evidence has been printed and laid before both houses.

J. H. McLEARY, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your joint committee, to whom was referred the petition to remove Hon. M. Priest, Judge of the Fourth Judicial District, have had the same under consideration, have summoned the said Judge M. Priest to appear and answer the charges preferred against him, and have taken and had printed the evidence in said cause which is herewith submitted with this report.

We would recommend that the said case be set for trial on Saturday, the fourteenth day of March, at 11 A. M., before the Senate and House of Representatives in joint session, and that they decide by yeas and nays whether each or any of the charges are sustained by the evidence or not.

We further recommend that the counsel for the State and for the defense have four hours time, each, for argument.

We also recommend that Major E. W. Bush, and any other counsel he may select and unite with him, be allowed to appear for the State, and that Judge M. Priest be allowed to appear and defend in person or by attorney.

J. E. DILLARD,

Chairman Senate Committee.

J. H. McLEARY,

Chairman House Committee.

The report was adopted.

Leave being granted, Mr. Goodwin submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your joint committee to whom was referred the address to remove Hon. J. B. Williamson, Judge of the Sixth Judicial District, have had the same under consideration, have summoned the said Judge J. B. Williamson to appear and answer the charges preferred against him, and he having appeared and answered, they have taken and had printed the evidence in said cause which is submitted with this report.

We would recommend that the said case be set for trial on Wednesday, the eighteenth day of March, at 10 A. M., before the Senate and House of Representatives, in joint session, and that they decide by yeas and nays whether each or any of the charges are sustained by the evidence or not.

We further recommend that the counsel for the State and for the defense have four hours time each for argument.

We also recommend that F. B. Sexton, H. P. Mabry and W. M. Walton be allowed to appear for the State, and G. L. Hill, Jas. P. Turner, G. B. Lipscomb and J. W. Robertson be allowed to appear and defend for the said J. B. Williamson, Judge of the Sixth Judicial District.

Respectfully,

W. D. WOOD,

Chairman *pro tem.* Senate Committee.

G. I. GOODWIN,

Chairman House Committee.

The report was adopted.

On motion of Mr. Brown, of Gregg, the regular order of business was suspended and the call of committees resumed.

Reports from committee on State Affairs:

Hon. Guy M. Bryan, Speaker of the House of Representatives.

Your Committee on State Affairs, to whom was referred House bill No. 190, a bill to be entitled "An act to reapportion the State of Texas into Congressional districts," and Senate bill No. 160, "An act to reapportion the State of Texas into Congressional districts," have carefully considered the same, and instruct me to report the Senate bill back as a substitute for the House bill, with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The Senate bill having been read, it was adopted as a substitute for House bill No. 190.

Mr. McLeary moved to amend section six by striking out the words, "Hays, Blanco, Llano, Mason and Menard." Adopted.

Mr. Jackman moved to amend section seven by adding the words, "Hays, Blanco, Llano, Mason and Menard." Adopted.

Mr. [Stephens offered the following amendment: Strike out the counties of Hamilton, Coryell and Comanche, in section six and add them to section four.

Mr. Harris moved to recommit the bill to a special committee to be composed of one from each Congressional District. Lost.

On motion of Mr. Moody, the pending amendment was laid on the table.

Pending the discussion a message from the Senate announced the passage by that body of Senate bill No. 120, to create and provide for the organization of the county of Camp, and Senate bill No. 165, to provide for a special registration of voters in any unorganized or disorganized county within the State of Texas. Also, that that body was sitting as a High Court of Impeachment for the trial of Hon. William Chambers, Judge of the First Judicial District, and was ready to receive the managers on the part of the House.

The special order House bill No. 185, to amend sections two, eight, twelve and fifteen of "An act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870, was announced.

On motion of Mr. Sayers, the special order was postponed half an hour.

Resuming the discussion, Mr. Miller moved to re-refer the bill to the Committee on State Affairs. Lost.

Mr. Sadler moved to reconsider the vote laying the amendment of Mr. Stephens on the table, which carried.

Mr. Sayers moved the previous question, which was seconded, and the main question ordered.

The House adopted the amendment.

The bill then passed to third reading.

Mr. Sayers moved to suspend the rules and put the bill on its final passage. House refused.

House bill No. 185, deferred special order, being a bill to amend sections two, eight, twelve and fifteen of "An act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870, was taken up.

Mr. Smith of Grimes, moved to amend section two, line two, by striking out "eight" and inserting in lieu thereof "six." Adopted.

Mr. Smith of Grimes offered the following additional amendments: Amend by inserting in section two, third line, after the word "follows," and before the word "when," in same line, the following: "All process from the justice of the peace, except in criminal cases, shall be under the hand of such justice, directed to some lawful officer, whose duty it shall be to execute and return the same; all such process shall be returnable, except in cases where it is otherwise provided for by law, to some regular term of such justice's court, and shall be served by leaving a copy thereof with the defendant at least five days before the return day, exclusive of the day of service and return day; and when suit is brought against a private corporation, county, city or town, the copy of the citation shall be delivered to the chief officer, a director or managing agent of such corporation, the clerk of the district court of such county, or the mayor of such city or town. The voluntary appearance of a defendant is equivalent to personal service of the citation and a waiver of all defects therein. Whenever, in any civil suit before a justice of the peace, the plaintiff, his agent or attorney, shall make oath in writing before such justice of the peace that the defendant is absent from this State, or that he is a transient person, so that the ordinary process of law cannot be served on him, such justice shall issue a citation, directed to some lawful officer, commanding him to cite the defendant to appear at some regular term of his court to answer the plaintiff's complaint, stating the matter and amount thereof. Such citation shall be returnable at some regular term of such justice's court, and shall be published in some newspaper printed in the county, if there be one, for at least three successive weeks before the return day; if there be no newspaper printed in the county, then it shall be published in like manner in some newspaper printed in the nearest county. In cases of emergency, any justice of the peace may depute any person of good character to execute any process, civil or criminal; provided,

that in every such case the justice shall certify on the back of such process that the person is so deputed by him; and the person so deputed shall take and subscribe an oath that he will execute such process according to law, which oath, with the certificate of the justice that it was administered, shall be endorsed on or annexed to such process. In all suits brought in a justice's court against two or more defendants, jointly liable, and when one or more of the defendants reside out of the county where suit is instituted, the justice of the peace before whom suit is brought shall issue process to the sheriff, or any constable of the county or counties where such defendant or defendants are alleged to reside, and the officer to whom such process is directed shall serve the same, as in other cases, and make his return to the court from which the process issued.

When there are two or more defendants in a suit; and one or more are served with process in due time, and others not so served, the plaintiff may either discontinue as to those not so served, and proceed against those that are, or he may continue the suit until the next term of the court and take new process against those not served; and no defendant against whom any suit may be discontinued according to the provisions of this section shall be thereby exonerated from any liability under which he was, but may at any time be proceeded against as if no such suit had been brought and no such discontinuance entered as to such defendants; *provided*, that this section shall be so construed as to allow a plaintiff to discontinue as to the principal and take judgment against the endorser or surety, who is jointly sued. Any justice of the peace, before whom any suit or proceeding is pending, may, for good cause, shown by either party, and supported by affidavit, continue the same to the next term of his court; and if such cause or proceeding is such as can be tried by such justice at any other time than at a regular term, he shall have the like power to continue the same for a reasonable time.

Amend by adding after the word "right," in the twenty-fourth line, in section two, the following: If it shall appear from the testimony that the plaintiff is entitled to recover, judgment shall be entered in his favor for such amount as shall appear to be due him, with costs; but if it shall appear from the testimony that the defendant is entitled to recover, then judgment shall be entered in his favor for such amount as shall appear to be due him (if any), with costs. If the amount in controversy shall exceed ten dollars, and either party shall make application to have the case tried by a jury, then the same shall be so tried in like manner as hereinbefore provided, and upon the re-

turn of the verdict of the jury the justice shall enter judgment thereon with costs; provided, however, that whenever it shall appear on any such trial that the defendant's claim or demand was acquired after the commencement of the plaintiff's suit the defendant shall be liable for all the costs.

The amendments were adopted *seriatim*.

Mr. Smith, of Gimes, moved to amend the caption by striking out "eight" and inserting in lieu thereof "six." Adopted.

Mr. Watson moved to amend by striking out "two hundred and fifty" wherever those words occur in the bill, and inserting in lieu thereof, "one hundred and fifty."

On motion of Mr. Hayes the amendment was laid on the table.

Mr. Harris moved to amend section four by adding thereto the following proviso: *Provided*, however, that no justice of the peace shall under the provisions of this act have jurisdiction of any cause in which the amount in controversy, inclusive of interest, shall exceed one hundred dollars unless such justice can read and write.

(Mr. Harrison in the chair.)

Mr. Freeman moved to lay the amendment on the table.

The House refused to table by the following vote:

Yeas—Messrs. Abnar, Beck, Brown of Gregg, Bruce, Cain, Chambliss, Eastland, Edwards, Freeman, Galvan, Hays, Harrison, Helton, Henderson of Smith, Kessler, Linn, Manning, Mitchell, McLeary Meissner, Murphy, Patterson, Pickett, Roberts, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Walker, Watts and Wortham—33.

Nays—Mr. Speaker, Anderson, Ballard, Bean, Brown of San Saba, Brown of Harrison, Cardis, Cochran, DeMorse, Donald, Douglass, Easley, Foote, Gellatly, German, Goodwin, Harris, Hart, Henderson of Kendall, Jackman, Jenkins, Johnson, Lindsey, Massey, Matthews, McCuiston, Middleton, Miller, Moody, Nicholson, O'Neal, Oxsheer, Patrick, Price, Rainey, Rogers, Sadler, Sayers, Schmidt, Stuart of Falls, Von Bibberstein and Watson—42.

Mr. Douglass moved to recommit the bill and amendment to Judiciary Committee No. 2. Lost.

Mr. McLeary moved to add to the amendment the following "the Greek language."

On motion of Mr. Rainey, the amendment was laid on the table.

Mr. O'Neal moved to add to the amendment the following: "and the practice in justices' courts shall be governed by the rules and regulations that govern the district court, and like proceedings as in district courts, the filing of written pleas shall be the rule of practice in justices' courts."

On motion of Mr. Swain, the amendment was laid on the table.

The House refused to adopt the original amendment by the following vote:

Yeas—Mr. Speaker, Ballard, Barziza, Cardis, DeMorse, Douglass, Easley, Foote, Goodwin, Harris, Henderson of Kendall, Jackman, Johnson, Matthews, McCuiston, Miller, Moody, O'Neal, Patrick, Pickett, Price, Rainey, Schmidt and Watson—24.

Nays—Messrs. Anderson, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Donald, Eastland, Edwards, Freeman, Galvan, Gellatly, German, Harrison, Hart, Hayes, Helton, Henderson of Smith, Jenkins, Kessler, Lindsey, Manning, Meissner, Mitchell, McLeary, Meissner, Middleton, Murphy, Nicholson, Oxsheer, Patterson, Reeves, Rogers, Roberts, Sadler, Sayers, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker and Watts—51.

• Mr. Sayers offered the following substitute for the bill: "A bill to confer additional jurisdiction on presiding justices of the peace," which was read. The House refused to adopt the substitute.

Mr. Watson moved to amend section one, lines 105 and 106, by striking out the word "freeholders," and inserting in lieu thereof, "qualified jurors." Adopted.

Mr. Storey offered the following amendment: Amend section four so as to hereafter read as follows. "Section 4. Every suit in the court of a justice of the peace shall be commenced in the precinct in which the defendant or one or more of several defendants reside, 'or in the precinct where the cause of action or a part thereof accrued,' except that suits for the possession of real property must be commenced in the precinct where the property or a part thereof is situated. Suits for the recovery of rents must be commenced in the precinct where the rented premises or a part thereof are situated, or where the defendant resides. A defendant may be sued before a justice of the peace in a county in which the contract by its terms is to be performed or in which the defendant resides. A suit against an executor, administrator or guardian to establish a demand for money against the estate he represents, may be commenced before the justice of the peace at the county seat of the county where the estate is administered, or in the precinct where the executor, administrator or guardian resides. A suit against a private corporation, created by or under the laws of this State, may be commenced in any precinct where it has a place of business, or in which its chief officer resides, or in which the cause of action or a part thereof accrued. A suit against a private corporation, created by or under the laws of any other State or country, must be commenced in a precinct in

which there is property of such corporation, or in which there is an agency thereof, or in which the cause of action, or a part thereof, arose. A suit against the owners of a steamboat or other vessel, without naming them, may be commenced in any precinct where the boat or vessel may be found. If there be no justice of the peace qualified to try the suit, in the precinct where the defendant resides or in which he might be sued, under any of the subdivisions of this section, the suit may be commenced in any adjoining precinct, and if there be no justice of the peace in adjoining precinct qualified to try the suit, it may be commenced in any precinct in the county. A suit against a railroad or canal company, or an owner of a line of mail stages or other coaches for an injury to person or property upon the road, canal or line of stages or coaches of the defendant, or upon a liability as a carrier, may be brought in any precinct through which the road, canal or line of stages or coaches may pass, or in any precinct where the route of such railroad, canal, stages or coaches may begin or terminate. A person who has no fixed residence, may be sued in any precinct in the county. Residents of incorporated cities and towns may be sued before any justice of the peace within the limits of the corporation. The residence of a single person is where he boards."

The amendment was adopted.

Mr. Storey moved to amend the caption by inserting, after the word "two," the word "four." Adopted.

The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Anderson, Bean, Brown of Gregg, Brown of San Saba, Cain, Chambliss, Cochran, Donald, Douglass, Easley, Eastland, Edwards, Galvan, Gellatly, German, Goodwin, Hart, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Kemple, Linn, Manning, Massey, McCuiston, Mitchell, McLeary, Middleton, Miller, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Sadler, Sayers, Schmidt, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Walker and Watts—52.

Nays—Mr. Speaker, Beck, Cardis, DeMorse, Foote, Freeman, Harris, Harrison, Henderson of Kendall, Johnson, Matthews, Moody, O'Neal, Rainey, Roberts and Watson—16.

Report from Committee on Enrolled Bills:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, House bill No. 133, entitled "An act to enlarge and define the boundaries of Wilson county;" also, House bill No. 136, entitled "An act to create and or-

ganize the county of Tom Green," and presented the same to the Governor for his approval this thirteenth day of March, 1874, at 10 A. M.

E. D. LINN, Chairman.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 154, "An act to organize and incorporate the Marshall (Texas) and Mansfield (Louisiana) Railroad Company," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Further reports from Committee on State Affairs:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 270, a bill to incorporate the Hebrew Benevolent Society of Hempstead, in the county of Waller, have had the same under consideration, and instruct me to report the same back, with the recommendation that it do not pass, as the object sought to be attained can be accomplished under the incorporation law of 1871.

W. B. SAYERS, Chairman.

The report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 226, entitled "An act to amend section eight of an act entitled 'An act regulating taxation,'" have had the same under consideration and instruct me to report the same back with the recommendation that it be referred to the Committee on Finance, which has charge of the subject of taxation.

W. B. SAYERS, Chairman.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred the memorial of the County Court of Lampasas county, praying that the Legislature of the State of Texas pass an act requiring the Secretary of State to furnish said county with volumes one, two, three, four, six, seven, twelve, fourteen, fifteen, twenty, twenty-one, twenty-two, twenty-three, twenty-five, twenty-eight, twenty-nine, thirty, thirty-one and thirty-two, Texas Reports, have carefully examined the same, and believe that it is impracticable for the State to furnish said reports at the present time, and recommend that the prayer be not granted.

W. B. SAYERS, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 288, a bill to be entitled "An act to license and regulate the keeping of gaming houses," have had the same under consideration, and unanimously instruct me to report the same back, with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 283, a bill to be entitled "An act for the relief of Isaac H. Cooper, have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred the petition of G. P. Hachenberg, one of the Musical Telegraph Company, have had the same under consideration and direct me to report adversely to the prayer of said petitioner.

W. B. SAYERS, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 259, "An act to provide for and dispose of property bequeathed to the State of Texas for certain purposes by Oscar L. Holmes, and to carry into effect said bequest," have had the same under consideration, and inasmuch as the construction and interpretation of the will, is in question, involving legal determination, I am instructed to report the same back, with the recommendation that it be referred to Judiciary Committee No. 2.

W. B. SAYERS, Chairman.

The report was adopted and bill referred.

Report from Committee on Finance:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 202, entitled "An act to appropriate fifteen hundred dollars to buy books, stationery and postage stamps, and pay for telegraphing and other contingent expenses of the office of Adjutant General, have considered the same and instruct me to report back said bill and recommend the passage of the same.

W. L. MOODY, Chairman.

The bill having been read second time, the report was adopted.

Mr. Brown of Gregg moved to adjourn to 9:30 A. M. to-morrow. Lost.

The House then went into committee of the whole on the bill, Mr. Rainey in the chair.

After discussion, the committee arose, recommended the following amendment and thus amended the passage of the bill. Substitute for section two: "That the Comptroller shall, from time to time, issue his warrants upon the Treasurer to pay itemized accounts, approved by the Adjutant General, from this fund."

The report was adopted.

Mr. Storey moved to lay the bill on the table for the day, which carried.

Mr. Jackman offered a concurrent resolution providing that the consideration of the several addresses against the district judges be considered at night sessions, commencing at 7:30 P. M.

Mr. Galvan offered the following amendment: "And that the members be allowed extra pay for night services."

On motion of Mr. Chambliss, the amendment was laid on the table.

The resolution was adopted.

Mr. Abnar moved to adjourn to 9 30 A. M. to-morrow.

Mr. Kessler, moved to amend by substituting 10 for 9:30.

Mr. Goodwin moved to amend by substituting 9 for 9:30.

The House refused to adjourn to 10 A. M.

The motion to adjourn to 9:30 then carried.

FIFTIETH DAY.

HOUSE OF REPRESENTATIVES. {
AUSTIN, March 14, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Edwards and Simpson.

On motion of Mr. Triplett, Mr. Simpson was excused on account of sickness.

On motion of Mr. Lindsey, Mr. Edwards was excused on account of sickness.

A message from the Senate, pending the reading of the journal, announced the refusal of that body to adopt the House concurrent resolution relative to the trial of the judges against whom addresses had been presented. Also, the passage of House bill No. 4, to fix the venue in certain cases, with amendments by the Senate.

The journal of yesterday was read and adopted.

Mr. Galvan presented a petition from citizens of the Twenty-fifth Judicial District against the removal of Hon. S. B. Newcomb, judge of that district. Read and referred to the special committee on the address for removal of Judge S. B. Newcomb.

Mr. Linn moved to reconsider the vote engrossing House bill No. 185, to amend

sections 2, 8, 12 and 15 of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870.

Mr. McLeary offered the following concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring, That the two houses assemble in joint session this afternoon, at 3 o'clock, to hear and determine the case of the address against Hon. M. Priest, Judge of the Fourth Judicial District.

Mr. Triplett moved to amend by striking out "this afternoon at 3 o'clock," and substituting therefor "9 o'clock Monday." Adopted.

Mr. Sayers moved to amend by striking out "9" and inserting in lieu thereof "3 P. M." Adopted.

The resolution was then adopted.

A message from the Senate announced that that body was sitting as a high court of impeachment for the trial of Hon. Wm. Chambers, judge of the First Judicial District, and was ready to receive the managers on the part of the House.

Mr. Cardis presented a petition from citizens of El Paso county, asking the removal of Hon. S. B. Newcomb, judge of the Twenty-fifth Judicial District. Read and referred to the special committee on that subject.

Mr. Goodwin moved to suspend the rules and resume the call of committees, which carried.

Reports from Committee on Finance:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 212, entitled "An act for the relief of Limestone county," have considered the same, and recommend me to report back said bill, with the accompanying petition, and recommend that it do not pass.

W. L. MOODY, Chairman.

The report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance to whom was referred a petition of citizens of Hardin county, asking "the release of certain taxes for the benefit of said county," have had the same under consideration and instruct me to report back said bill with petition accompanying same, and recommend that the same do not pass.

W. L. MOODY, Chairman.

The report was adopted.

House bill No. 202, to "appropriate \$1500 to buy books, stationery and postage stamps, and pay for telegraphing, for the office of Adjutant General," was taken up on its second reading. On motion of Mr.

Storey the bill was recommitted to the Committee on Finance.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 221, entitled "An act to amend the fourth section of 'An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof,'" approved November 12, 1866, have considered the same, and instruct me to report back said bill and recommend the passage of the same.

W. L. MOODY, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House joint resolution No. 13, entitled "joint resolution authorizing the Treasurer to employ two additional clerks," have considered the same, and instruct me to report back said joint resolution, and recommend the passage of the same.

W. L. MOODY, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

On motion of Mr. Douglass, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance to whom was referred Senate bill No. 80, entitled "An act to prevent speculations by officers and agents in county, city and town contracts and liabilities," have considered the same and instruct me to report back said bill and recommend that the same do pass.

W. L. MOODY, Chairman.

The bill having been read second time, the report was adopted.

Mr. Harrison moved to amend section one, by inserting in line three after the word "treasurer," and in line ten after the word "officer," the following: "Nor ex-sheriffs, nor ex-county treasurers, until they shall have made final settlement with their counties. Adopted.

Mr. Pickett moved to amend section one by striking out of lines nine and ten, the words "person or." Adopted.

The bill then passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 280, entitled "An act to make an appropriation to pay the fees due certain officers in cases of impeachment and addresses against judges now pending before the Fourteenth Legislature," have considered the same, and in-

struct me to report back said bill and recommend the passage thereof.

W. L. MOODY, Chairman.

The bill having been read second time, the report was adopted.

The House went into committee of the whole on the bill, Mr. Harrison in the chair.

After reading, the committee rose, and recommended the passage of the bill. The report was adopted and the bill ordered engrossed.

On motion of Mr. Rainey, the rules were suspended, the bill was read third time and passed by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Balaud, Barziza, Bean, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, DeMorse, Douglass, Easley, Eastland, Foote, Freeman, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kemble, Kessler, Lindsey, Linn, Manning, Massey, Matthews, Mitchell, Meissner, Middleton, Moody, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Roberts, Sadler, Sayers, Scott, Smith of Travis, Smith of Grimes, Stephens, Story, Swain, Triplett, Von Bibberstein, Walker, Watson, Watts and Wortham—68.

Nays—None.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 295, entitled "An act to authorize the county courts of this State to purchase sates for the district clerks and sheriffs' offices when necessary," have considered the same, and instruct me to report back said bill and recommend that it do not pass, believing that county courts are sufficiently authorized to make such purchases under the provisions of Senate bill No. 55.

W. L. MOODY, Chairman.

The report was adopted, indefinitely postponing the bill

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 266, entitled "An act supplemental to an act, entitled 'An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,'" approved April 12, 1871, have considered the same, and instruct me to report back said bill, and recommend its passage.

W. L. MOODY, Chairman.

The bill having been read second time, the report was adopted.

The further consideration of the bill was temporarily suspended to allow the introduction of the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined and compared House joint resolution No. 13, entitled joint resolution authorizing the Treasurer to employ two additional clerks in his office, and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Watts moved to adjourn for one hour to allow members to visit the Senate Chamber where the vote in the case of Judge Wm. Chambers was about being taken.

Mr. Douglass moved to adjourn to 2:30 P. M.

Mr. Roberts moved to adjourn to 9.30 A. M. Monday.

The motions to adjourn were successively put and failed to carry.

A message was received from his Excellency the Governor, with accompanying exhibits.

Resuming the previously pending bill, it was ordered engrossed.

Mr. Galvan raised the point that a quorum was not present, which was found to be correct.

The sergeant-at-arms was dispatched for absentees.

On motion of Mr. Moody, the whole matter was postponed until Tuesday, the seventeenth, at 11 A. M.

Mr. Rainey moved a call of the House.

Mr. Pickett moved to adjourn to 9.30 A. M. Monday morning, which carried.

FIFTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 16, 1874. }

House met. Roll called; quorum present.

Prayer by the chaplain.

Absent—Messrs. Moody, Schmidt and Stephens.

A message from the Senate announced that that body had adopted the report of the committee of free conference on House bill No 142, "To provide for the immediate apportionment of the school fund which should have been apportioned in December, 1873."

Journal of Saturday read and adopted.

Leave being granted, Mr Epperson, on the part of the joint committee upon re-districting the State into judicial districts, introduced a bill to redistrict the State into judicial districts, to reduce the number thereof and to provide for assigning judges and district attorneys thereto." Read by caption, made special order for Saturday, March 21, at 11 A. M., and 120 copies ordered printed.

The following communication was submitted by the Speaker:

AUSTIN, TEXAS, March 14, 1874.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Sir—His Excellency the Governor tenders me the position of financial agent of the State. Believing that my services to the State will be more efficient in that capacity than in the one which I now occupy, I have determined to accept the same.

I therefore respectfully tender you my resignation as a member of the Fourteenth Legislature, to which I had the honor to be elected as Representative from the Twelfth District, and ask that the same be accepted, to take effect from the date hereof.

Very respectfully,

W. L. MOODY.

On motion of Mr. Harris, the resignation was accepted, and the communication was referred to his Excellency the Governor.

By leave, Mr. DeMorse introduced a bill to amend the fourth section of "An act to amend and supplemental to 'An act to provide for the incorporation of towns and cities,'" approved January 27, 1858. Read by caption and referred to the Committee on Towns and City Corporations.

Mr. Anderson introduced a bill to create and provide for the organization of the county of Gordon, named in honor of Gen. John B. Gordon of Georgia. Read and referred to the Committee on Counties and County Boundaries.

Mr. Sadler presented a petition, asking relief for Mrs. Susan P. Armstrong. Referred to the Committee on Private Land Claims.

Mr. Swain introduced a bill to authorize the Commissioner of the General Land Office to issue to William C. Covington, assignee, a bounty warrant for two hundred and forty acres of land. Referred to the Committee on Private Land Claims.

Mr. McCuiston introduced a bill for the relief of the heirs of Thomas Edwards. Referred to the Committee on Private Land Claims.

Mr. Cain introduced a bill to amend section one of an act, entitled "An act to create and provide for the organization of the county of Raines," approved June 9, 1870.

Mr. Hart introduced a bill to incorporate the board of trustees of an institute to be known as the Black Springs Male and Female Academy. Referred to the Committee on Towns and City Corporations.

Mr. Easley presented a petition of three hundred tax payers of Austin, requesting the repeal or amendment of the Austin city charter. Referred to the Committee on Towns and City Corporations.

Mr. Ballard presented a petition of L. G. Morris for relief. Referred to the Committee on Private Land Claims.

Mr. Stuart of Falls introduced a bill to authorize the issue of land certificates to

the heirs of those who fell in the Dawson massacre, A. D. 1842. Referred to Judiciary Committee No. 2.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 280, "An act making an appropriation to pay the fees due certain officers in cases of impeachment and addresses against judges, now pending before the Fourteenth Legislature;" and also, House bill No. 221, "An act to amend the fourth section of an act entitled 'An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof,'" approved November 12, 1866, and find each correctly engrossed. L. J. STOREY, Chairman.

The following communication from his Excellency the Governor was received and submitted:

EXECUTIVE OFFICE, }
AUSTIN, March 16, 1874. }

To the Honorable Senate and House of Representatives:

Since it is understood that your honorable bodies have decided not to call a constitutional convention, I deem it not improper to break the silence I have purposely observed on this subject pending its consideration.

Feeling that action on the question should be taken by yourselves, as the more direct representatives of the people, uninfluenced by the views of the Executive, in my first communication to your honorable bodies I remitted to you the question as to the mode in which the Constitution, admitted by all to be extremely obnoxious, should be changed, whether by amendment in the manner prescribed by the Constitution or by a convention called to frame a new Constitution, being content to approve either of the two adopted by you. Believing now, as I did then, that an imperative necessity exists for a thorough change in the Constitution, and that your honorable bodies have acted wisely in deciding not to call a constitutional convention at this time, and more wisely still in voting down the plan for making a Constitution by commission, I recommend that immediate steps be taken to prepare amendments, to be hereafter submitted to the people, which shall cover every defect in the present Constitution. I suggest for the purpose a joint committee of the two houses, and recommend that the amendments, when made, shall present to the people, for their consideration, an instrument of organic law, complete in all its parts, which, if adopted, will be an entirety within itself, and be the Constitution of Texas.

After the preparation of this amendment, I recommend that provision be made for the publication of it immediately after the adjournment of the Legislature, in such manner, that it will go into the hands of the people, generally, throughout the State. Being thus informed of the changes proposed to be made in the Constitution, the people and press will discuss them, and from this discussion the Senators and Representatives will be able to eliminate the popular will, as to whether the Constitution shall be amended, or a constitutional convention called, or as to whether any modification or change, in any of the proposed amendments, should be made; and at the next session of the Legislature, can, in their action, give effect to the will of the people as they find it to exist. This will be, in effect, a remittitur of the whole question to the people.

The time which will elapse before final action on the subject, will be well consumed in a thorough discussion of principles, which are to be the ground work of our future government. A constitution hastily gotten up, would soon have to be amended or superseded by a new one. Nothing renders a government more unstable, or educates a people for revolution more perfectly, than a frequent handling, changing, remodeling, or overturning of the organic law. This is the original bond which organizes society into a State, and rarely can be loosened without detriment to some of its best interests. A people who regard their organic law with reverence, and who approach it to change or amend, only after the maturest deliberation and discussion, as to the alterations which shall be made, have the highest guaranty that human wisdom can devise, of stability for their institutions. We know full well the many objectionable features in our present Constitution, but can we assert with equal confidence that we are agreed as to the wisest substitutes for them? Will not a thorough discussion of these matters by the best minds of the country, with a proposed amendment as a basis, lead to that thoroughness and maturity of deliberation and action so desirable and so necessary to the attainment of a wise result? Can it be said that time is lost which is thus employed? Suppose half or two-thirds of the amendments proposed now are modified at the next session, before they are submitted to the popular vote, as a result of the thought bestowed on them by the people, will not that attest the wisdom of having framed them at this session? If the public mind should be satisfied with the amendments as proposed, and no change should be desired, we could ask nothing better, and would feel assured that your work had been wisely done. If, however, the amendments should

be thrown aside, and the people demand a convention, still all the benefits of the thought and discussion bestowed on the subject would be reaped in the action of the convention.

Constitution-making is a work greatly different now from what it formerly was in Texas. Our social and our labor systems, and in some degree, our political system, have changed fundamentally. We hardly yet appreciate the extent and import of the change ourselves. These changes are going on and will continue. New population, with new ideas, are filling the country, new industries, are springing up. Enterprise and rapid improvement is the order of the day. Associated capital in the hands of corporations, so imperatively necessary to our development, on the one hand, and so dangerous on the other, finds an extensive field for operation in Texas. We have 40,000 unenlightened black voters, natural followers, in their simplicity and ignorance, of the unscrupulous trickster and demagogue, in some portions of Texas, largely outnumbering the whites, and having equal privileges with them at the ballot box, and in the jury box. From these and other facts which might be stated, that exist among us now, with which our people are scarcely yet familiar, questions must present themselves to be dealt with by the framers of our organic law, which should be gravely and most maturely considered. The new Constitution should be adapted to our changed social, political and industrial condition, and to the growing and changing condition of our society and the different elements and interests which constitute it. To make such a Constitution, we should have a clear perception and appreciation of Texas as she is, and as she will be. If the people of Texas will take time, and give mature deliberation to the problems of government, now for the first time confronting them, which must be solved in the formation of a Constitution, I have no fear of the wisdom of their conclusion. But I do confess to fears of the result of hasty and precipitate action. A Constitution should be made as if for all time, and with a view to the evils and dangers of too frequent change or amendment. It is the most important step ever taken in the government of a State, and in proportion to the difficulty of the questions to be dealt with, should be approached with caution and the gravest care. The grave financial embarrassment surrounding us at this time presents another cogent argument in defense of the wisdom of your course, in declining to call a convention. The expense attending the holding of a convention, although considerable, is not the only item to be considered in this connection. Your honorable bodies have found it necessary, in order to meet obliga-

tions now due and pressing the State, to provide for the sale of State bonds to the amount of \$1,900,000. These bonds *must* be sold, because the creditors of the State are clamorous for payment, and there is not a dollar in the treasury, and the honor and credit of the State is at stake, and must be preserved. It is well known that the stability of a government enters largely into the estimate in fixing the value of its securities. If a convention had been called, the canvass preceding the election for delegates, would have been in progress with high party excitement, at the very time when our bonds will be in market; the newspapers of the State would have teemed with discussions, showing every shade and variety of opinion on the various questions, which have to be acted on in framing a Constitution, and it is believed, that under the circumstances, when the organic foundations of the government were about being taken up for readjustment and change, that capital which is proverbially timid, would have shrunk from an investment in our bonds, except at discounts we would be unwilling to submit to. Texas is not yet known abroad as our people at home know her; but a short time since, bloodshed in the walls of her capital was narrowly escaped, in asserting the right of her people to free government; under the administration of her government preceding this, the vaults of her treasury were left empty, her paper depreciated and her credit dishonored. These things being of recent date, and well remembered as facts, it is believed that the causes of them are not much inquired into, or well understood outside of Texas. Only the facts, as they transpired, are taken into the estimate.

Tranquility and repose, rather than renewed political agitation, following the accession of the present administration to power, at least for a season, seems to me necessary to a restoration of confidence in Texas, her people and government, and a re-establishment of her credit abroad, and, I believe, in no inconsiderable degree at home. When conservatism, which measures well the ground which it treads, and estimates closely the consequences before it acts, rules the hour, while the people of Texas may wish that speedier progress could be made, I have no fear but that they will have an abiding confidence in the wisdom and beneficence of ultimate results, through measures, which, though slow, are surely conducive to the public weal. Many hold that the administration is pledged, by the platform on which it came into power, to call a convention. This is true, literally, but why call a convention? Certainly the assembly of the delegates in the Capitol in convention is not the result sought to be attained.

The formation of a Constitution for Texas, acceptable to her people, and in a mode recognized as legitimate and constitutional, is the result for the accomplishment of which it is said in the platform "we favor the call of a convention, etc." Now, if that same result is accomplished, if the sovereignty of the people of Texas is invoked, and acts in another mode, sanctioned by usage, and by itself, in producing an instrument of organic law, the result demanded in the platform is accomplished, and the pledge redeemed in substance and spirit. I would say to those who stickle for "the letter of the law," that by another clause of the same platform, the administration is pledged to economy in carrying on the government. Would not this pledge be grossly violated, if, when the necessities of the government imperatively demand a sale of her bonds, we should deliberately do that which would certainly produce a ruinous discount on them, if it did not defeat their sale altogether, which could as well be done in another way without affecting the credit of the State at all? The plan of changing the Constitution by amendment, is one provided for by the people in their last expression of sovereign will. It is as legitimate as to call a convention for the purpose, because the people have prescribed it in the present Constitution, as they had previously done in the Constitution of 1845, as one mode in which, if the Legislature prefer it, the organic law shall be changed. It is, in my judgment, a wiser plan than to call a convention at this time; because the intervention of another session of the Legislature, before amendments can be submitted to the popular vote, insures double deliberation and care, in this, that an opportunity will be afforded at the next session, of correcting, and amending errors or mistakes, which a searching investigation by the popular mind, may expose in the amendments as proposed now. Thus guarded against too much haste in their formation, and having received the maturest consideration of the people, and two sessions of the Legislature, the amendments, when finally passed upon by the people at the polls, if adopted, and afterwards ratified by two-thirds of the Legislature chosen at the same election, will be stamped with the highest guaranty of their wisdom. The instrument made in the manner I suggest, will not be patch work, but will be an entire, consistent, harmonious whole, and at the same time, will be an amendment, because, however radical and thorough the change made, at least one-fourth of the present Constitution will remain untouched, which will be the basis of the amendment. If permitted, I would suggest to your honorable bodies, in framing amendments, to bear in mind that a

constitution should be a well digested system of purely organic principles, and limitations; that it should consist only of elemental landmarks, and beacon lights, to limit, and guide the government, on the subjects embraced in it; that its provisions should be general, so that legislation under it may have scope wide enough to meet all the exigences and changes likely to occur in a growing and expanding society. Our present Constitution has been not inaptly termed an omnibus bill, containing special legislation on almost every subject, and it is for this reason that at every turn in your efforts to enact desirable laws, you are met and stopped by some of its provisions.

Legislation should find no place in a constitution. Our legislatures meet for the purpose of enacting laws. Constitutions are ordained to limit and define the powers of the government, and to guide it in making and executing laws. Whenever the maker of a constitution descends into ordinary legislation, he plants in the instrument the seeds of its destruction, and does that which will surely render a change necessary. It will be found universally true that those State constitutions which contain the smallest number of provisions, which adhere most closely to fundamental declarations, and to the fixing simply of boundaries, leaving the interior to be filled by the enactments of the legislatures, have been the wisest and most enduring. A law enacted at this session of the Legislature, which proves on trial to be bad, may be repealed at the next, but put in the Constitution and it must be submitted to, possibly, for years, and until the sovereignty of the State is aroused.

Many of the vices of our present Constitution can be cured by simply dropping out obnoxious clauses, and leaving the subject matter of them to be dealt with by the Legislature. In order to provide against a too frequent recurrence of the necessity for change in the Constitution, I suggest that the amendments should not be too restrictive, but that much should be confided to the discretion of the law-making department of the government.

As before remarked, we do not ourselves fully understand as yet the changes which have been wrought among us by the events of the past few years, and the government should have room and verge enough to meet and provide for developments and exigencies which our new surroundings and conditions may bring about. A Constitution constructed of principles which do not change, but which leaves to the government it creates power to expand and adapt itself to the changes which are constantly occurring, is what we need.

Having clear convictions of the propriety and policy of proposing amendments to the

Constitution, which shall be thorough, and cover the whole ground, I earnestly recommend that your honorable bodies, without further delay, proceed to prepare them.

Very respectfully,

RICHARD COKE.

Mr. McLeary offered the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That a special joint committee be appointed of seven from the House and five from the Senate, to frame and present to the Legislature a system of amendments to the constitution in accordance with the plan suggested in the message of his Excellency the Governor, and that the message be referred to that committee.

The resolution was adopted.

The Speaker appointed the following committee on the part of the House: Messrs. McLeary, Harris, Epperson, Reeves, Delaney, Rainey and Simpson.

Unfinished business: Report from the Committee on Finance.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 264, entitled "An act prescribing the mode of paying off all county liabilities of the several counties of the State," have considered the same, and instruct me to report back said bill, and recommend that it be referred to Judiciary Committee No. 1.

W. L. MOODY, Chairman.

The report was adopted and reference made.

Senate bill No. 71, to amend an act, entitled "An act to incorporate the Agricultural, Mechanical and Blood Stock Association of Texas," approved October 20, 1866, was read first time and referred to the Committee on Commerce and Manufactures.

Senate bill No. 120, to create and provide for the organization of the county of Camp, was read first time and referred to the Committee on Counties and County Boundaries.

Senate bill No. 165, to provide for a special registration of voters in any unorganized or disorganized county within the State of Texas, was read first time and referred to the Committee on State Affairs.

Senate joint resolution No. 208, instructing and requesting our Congressional delegation to urge upon Congress the speedy reimbursement of Henry Warren for losses incurred by reason of the destruction of his wagon train and other property by the Comanche, Kiowa and Cheyenne Indians, was read first time.

On motion of Mr. Epperson, the rules were suspended, the joint resolution read second time by caption and passed to third reading.

On motion of Mr. Epperson, the rules

were further suspended, the joint resolution was read third time by caption and passed.

Mr. Rainey moved to reconsider the vote by which House bill No. 350, to redistrict the State into judicial districts, to reduce the number thereof, and to provide for assigning judges and district attorneys thereto, was made special order for March 21, 11 A. M., and one hundred and twenty copies ordered printed, pending the discussion on which, a message from the Senate announced the adoption by that body of the House concurrent resolution fixing the time for a joint session of two houses to hear and determine the case of Hon. M. Priest, judge of the Fourth Judicial District.

The motion to reconsider failed to carry.

Senate bill No. 160, to reapportion the State of Texas into Congressional districts, was read third time.

On motion of Mr. Simpson, the bill was taken up by sections.

Sections one, two and three were adopted *seriatim*.

Mr. Douglass moved to amend section four by adding thereto "the county of Hill."

The amendment was adopted.

The section was then adopted.

Mr. Easley moved to amend section five by adding "the county of Bell," and taking the same from the Fourth District.

Pending the discussion thereon, a message from the Senate announced the passage by that body of House bill No. 315, to regulate proceedings in the Supreme Court, with amendments by the Senate.

Mr. Stuart of Falls moved to lay the amendment on the table, which carried by the following vote:

Yeas—Abnar, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Chambliss, Delaney, Donald, Douglass, Eastland, Edwards, Farrar, Freeman, Galvan, Goodwin, Harrison, Hart, Hayes, Helton, Henderson of Smith, Jackman, Johnson, Lindsey, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Middleton, Nicholson, O'Neal, Patrick, Patterson, Reeves, Rogers, Roberts, Sadler, Scott, Simpson, Storey, Stuart of Falls, Triplett, Von Biberstein, Walker, Watson and Watts—51.

Nays—Mr. Speaker, Anderson, Brown of San Saba, Cain, Cochran, Easley, Gellatly, German, Harris, Henderson of Kendall, Jenkins, Kemble, Kessler, Linn, Miller, Oxsheer, Price, Rainey, Smith of Travis and Wortham—20.

The section was then adopted.

Sections six, seven and eight were then adopted *seriatim*.

The bill then passed.

The following message from his Excellency the Governor, with accompanying documents, was submitted:

252. Of this amount, \$679,400 is for the support of common free schools, leaving \$807,855 as the estimate for the ordinary expenses of the government. I am of the opinion that many of the items going to make up this aggregate are greatly overestimated, while many others should not be allowed at all, and that a critical review, such as should be made of this report, before any appropriation is made based upon it, will result in a material reduction of the grand total.

The estimate for the Bureau of Immigration, I am satisfied, is not as liberal as it should be. I am deeply impressed with the conviction that funds enough to carry on the operations of that bureau, on a liberal scale, will be most wisely appropriated.

Gen. Robertson, the chief of that department, is at this time absent on official business, and could not be called on to furnish estimates, as the heads of other departments were. I recommend that this appropriation be increased to an amount commensurate with the important part this bureau should perform in settling and developing the State.

I concur in the suggestion of the Adjutant General, that it will be much less expensive and more convenient for the State to build an arsenal at once, than continue to rent at an exorbitant price, an inconvenient and out-of-the-way house, in which to store State arms and ammunition. A small amount will suffice for this purpose as shown in the accompanying estimate.

It will be borne in mind by your honorable bodies, that the expense of maintaining the system of frontier defense that may be adopted, will have to be provided for, an estimate for that not being embraced in this report, and I take this occasion to say that I hope your honorable bodies will not fail to make adequate provision for maintaining such military operations on the frontier as your legislation may require. I believe it to be a good general rule, whenever an appropriation for any given purpose is exhausted, to suspend operations until funds are supplied with which to proceed, and in so far as discretion is vested in the Executive, will in this, and all other matters, be acted on by me, except when forced to do otherwise by some extreme and pressing emergency.

STATE BONDS.

I submit herewith a communication from Hon. A. J. Dorn, Treasurer, giving me information that certain bonds of the State, duly executed by the late officers of the government, but never issued, are lying in the vaults of the treasury, and should be cancelled. These bonds are of two kinds:

First, Nos. 130 to 3000 inclusive for \$100 each executed by authority of an act to provide for payment of the public

debt," approved May 2, 1871, having coupons attached.

Second, Nos. 516 to 1500, inclusive, for \$100 each, executed by authority of the funding act passed by the Thirteenth Legislature, and approved May 30, 1873.

I recommend the passage of a joint resolution requiring cancellation or destruction of these bonds.

Very respectfully, RICHARD COKE.

On motion of Mr. Storey, that part of the message relative to appropriations for the coming fiscal year, with accompanying estimates, was referred to the Finance Committee.

On motion of Mr. Douglass, that portion relative to the Lunatic Asylum, with accompanying exhibits, was referred to the Committee on Asylums.

Senate bill No. 80, to prevent speculations by officers or ex-officers and agents in county, city and town contracts and liabilities, was read third time and passed.

House bill No. 315, to regulate proceedings in the Supreme Court, was taken up, with the following amendment by the Senate: Amend section four by making all appeals and writs of error from the counties of Jasper and Newton returnable to the term of the Supreme Court of Galveston instead of Austin, and from the county of Washington returnable to Austin instead of Galveston.

Division of the amendment having been called for, the first clause was adopted.

The House refused to concur in the second clause of the amendment.

House bill No. 221, to amend section four of "An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof," approved November 12, 1866, was read third time and passed.

On motion of Mr. Barziza, Mr. Goodwin was granted leave of absence for four days, beginning to-morrow, on account of important legal business.

Mr. Rainey, on behalf of the special conference committee on House bill No. 142, to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House, Representative;

Your committee of free conference on the disagreement between the two Houses upon House bill No. 142 have the honor to submit herewith a report and a bill in conformity with the agreement of the committee. The bill is a compromise between the two Houses, and the House agrees that it is a fair and equitable compromise, and that it is in conformity with the instructions of the House.

ment," as proposed by Section of "An act to establish and maintain a system of public free schools in the State of Texas," approved April 30, 1873, from such data as he may have in his possession; provided, that the latest returns from any county of the scholastic population therein shall be observed in such apportionment." All of which is respectfully submitted.

W. H. WESTFALL,
Chairman of Senate Committee.

FRANK RAINEY,
Chairman of House Committee.

The report was adopted and bill passed.

Leave being granted, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 71, entitled "An act to amend an act entitled 'An act to incorporate the Agricultural, Mechanical and Blood Stock Association of Texas, approved October 20, 1866,'" have considered the same, and recommend its passage. And the committee being reliably informed that the object of the bill is simply to enable the association above named to issue bonds for the purpose of raising money to more successfully carry on the State fair to be held in May, and the time of the said fair being rapidly approaching, and the necessity and emergency being urgent, they recommend that the bill be passed through immediately under suspension of the rules.

BARZIZA, Chairman.

The bill having been read second time, the report was adopted and the bill passed to the third reading.

On motion of Mr. Barziza, the rules were suspended, the bill read third time and passed.

Further report from same committee:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures, to whom was referred the communication of Hon. W. A. Richardson, Secretary of the Treasury of the United States, to Governor Coke, dated January 26, 1874, relative to the cession to the United States of submarine sites for light houses and other aids to navigation, together with that portion of the Governor's message bearing upon it (both of which are submitted with this report), have considered the same, and recommend the passage of the accompanying bill, entitled "An act authorizing the Governor of the State to make cession and title to the United States of submarine sites for light houses and other aids to navigation."

BARZIZA, Chairman.

The bill was read first time and the report adopted.

Leaving being granted, Mr. Gellatly offered the following resolution:

Be it resolved by the House of Representatives, the Senate concurring, That the two houses assemble in joint session on Friday, the twentieth instant, at 3 P. M., in the hall of Representatives, to hear and determine the case of address against Hon. L. W. Cooper, judge of the Third Judicial District of the State of Texas.

The resolution was adopted.

By leave, Mr. Stephens introduced a bill to allow the Superintendent of Public Instruction four additional clerks. Read first time and referred to the Committee on Education.

Leave being granted, Mr. Galvan presented the following resolution:

WHEREAS, The seventeenth of March is the anniversary dedicated to the honor of St. Patrick, the patron saint of Ireland, and as the Irish people are on the most friendly relations with the American people; and as it is universally admitted that the sons of Green Erin have ever been the bravest and best of soldiers on every battlefield that ever wet the earth with blood, and the Irish people furnish the best class of emigrants to America, from their generous and genial nature readily assimilating with our people, and becoming American in interest and sentiment; and

WHEREAS, Some respect is due to this people, for reasons above cited, and for many other reasons not necessary to mention in this resolution; therefore be it

Resolved, That this House keep as a holiday the seventeenth of March, and that no session be held on that day.

Mr. Harrison moved to adjourn to 2:45 P. M.

Mr. Murphy moved to amend by substituting therefor "3 P. M.," which carried.

AFTERNOON SESSION.

House met; roll called; quorum present.

Absent—Messrs. Beck, Pickett, Schmidt and Stewart of Montgomery.

On motion of Mr. Foote, Mr. Pickett was excused on account of sickness.

The chief clerk was instructed to inform the Senate that the House of Representatives was ready to receive them.

The Senate was announced, and took seats prepared for their reception.

The roll of the Senate was called. The following Senators failed to answer: Erath and Randle.

The Speaker of the House announced that the two Houses were assembled in joint session to consider the causes alleged for the removal of Hon. M. Priest, judge of the Fourth Judicial District.

Mr. E. W. Bush, counsel for the State, announced that he had associated with him in this case A. J. Peeler.

Mr. Peeler was accordingly recognized as associate counsel for the State.

The testimony in the case having previously been printed and laid before both Senators and Representatives, the Speaker announced that the rules which had been recommended by the joint committee of both houses, and adopted by each, would be observed in the trial of this case.

Mr. Bush then opened the argument on the part of the State. At the close of his address Senator Flanagan submitted a written reply of the defendant, which he asked might be read.

On motion of Mr. Goodwin it was read.

Mr. Triplett raised the point of order that the demurrer of the defendant had been incorrectly overruled by the joint committee of both houses, and should now be acted upon in joint session.

The Speaker ruled the point not well taken, the House having adopted the report of that committee as its rule of action in the pending case.

Mr. Triplett appealed from the decision of the chair.

The House sustained the ruling.

Mr. Peeler then closed the argument on the part of the State.

On motion of Senator Ireland, the Senate retired to its own chamber.

On motion of Mr. Harrison, the House adjourned to 9:30 A. M., to-morrow.

FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 17, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Messrs. Abnar, Rogers, Walker.

On motion of Mr. Patrick, Mr. Rogers was excused for the day on account of sickness.

On motion of Mr. Delany, Mr. Walker was granted leave of absence for eight days on account of dangerous illness of a friend.

On motion of Mr. Lindsey, Mr. Manning was excused for one day, on account of business.

A message from the Senate announced the adoption, by that body, of the following resolution, relative to the rules of procedure in cases of address for removal of Judges on address.

Resolved by the Senate, the House of Representatives, concurring therein, That lines twelve to eighteen of rule four of the "rules of procedure to be followed by the Legislature in cases of removal of judges on address," shall hereafter read as follows: The presiding officer of each house shall put the question, "are any of the material charges in the address now pending against, judge of the district

of the State of Texas, proven and shall said address be sustained?" and the vote thereon shall be taken in each house, by calling the "yeas" and "nays."

Also the adoption of the following resolution:

WHEREAS, The measure providing for a call of a constitutional convention has failed to become a law; therefore be it

Resolved by the Senate, the House of Representatives concurring, That the members of the Committee on Constitutional Amendments, of the Senate and House, shall constitute a special joint committee, to take into consideration what amendments are necessary and proper to the present Constitution to meet the wants of good government, and to report by bill or otherwise, as soon as practicable.

The journal of yesterday was read, corrected and adopted.

Mr. Sayers moved that the Speaker at once appoint a chairman of the Finance Committee, to succeed Mr. Moody, resigned.

The motion carried, and the Speaker appointed Mr. Delany.

By leave, Mr. Kemble submitted the following report, which, with accompanying documents, was received, and ordered spread upon the journals:

Hon. R. B. Hubbard, President of the Senate, and Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your joint committee, appointed to examine the books and papers of the Comptroller's office, beg leave to report that they have investigated the same, for the years 1872 and 1873, and respectfully call attention to exhibit A, herewith submitted.

We also submit the report of the clerks employed by the Comptroller, at our instance, on the same subject, marked exhibit B. We recommend that a sufficient clerical force be employed to write up the books of the Comptroller's office for the years 1867 to and including the year 1871. It appears that during the five years stated no proper accounts have been kept with collecting officers, and the books and papers are in utter confusion, and, to the committee, there appears to be no remedy except to employ experts to take the papers and memoranda, and enter in new books systematically all the items which should go to make up the accounts, and thus ascertain what is due from collecting officers, and on tax rolls from tax payers. We therefore recommend that the Comptroller be instructed to employ such additional clerks as may be found necessary to do the work herein suggested, and to bring up all unfinished business of his office. It is deemed that the clerks now employed by the Comptroller, will only be able to perform the routine duties of the office and keep up the current business.

Statement of Taxes for the years 1872 and 1873.

1872.		1873.		1874.	
Total amount of assessment rolls for 1872.	\$1,328,428 25				
Estimated amount assessment Madison county, not re- turned.	5,000	\$1,328,488 25			
Amount paid up to August 31, 1872, as per report of Comptroller.	\$108,994 33				
Amount paid from September 1, 1872, to March, 1874.	976,770 98				
Balance unpaid for 1872.		1,065,765 82	\$228,667 48		
1873.					
Total amount of assessment rolls for 1873.	\$1,113,890 00				
Amount railroad bond tax not mentioned in report of Comptroller.	21,142 85				
Estimated amount of assessments in the following counties, not returned, viz: Brown, Hamilton, San Patricio, Webb, Wharton, El Paso, Liberty, Shelby and Madison.	25,000 00	\$1,160,032 85			
Amount paid in up to March 6, 1874.		\$428,118 65			
Balance unpaid for 1873.		\$731,919 20			
Total balance unpaid.			\$974,866 68		

Not estimated in above:

Justices' fees and commissions, assessed il- legally and not paid in.....	\$14,973 70
Special tax in Brazos county.....	8,440 34
Total	\$23,414 04

EXHIBIT B.

COMPTROLLER'S OFFICE, }
AUSTIN, March 7, 1874. }

Hon. J. H. Darden, Comptroller of Public
Accounts:

SIR—The clerks to whom you entrusted the examination of assessment rolls in your office, respectfully report that by direction of the honorables, the Committee on Comptroller's Accounts, we have examined the assessment rolls of 1872 and 1873, and find a balance of \$242,667 43 due for 1872, and a balance of \$731,919 20 due for 1873, as more fully shown by accompanying statement.

We found on the assessment rolls of 1872 \$14,973 79 illegally assessed for justices' fees and commissions, which amount is not embraced in the total amount of taxes due. We also found, on the same assessment, \$8440 34 assessed as a special tax in Brazos county, which is not included in the total amount due, but accounted for by the sheriff on a separate return. We find errors and omissions in the rolls of 1872 amounting to \$1546 29, which have been included in the total amount.

You will also observe that \$22,142 85, railroad bond tax, has been added to the total amount of taxes due for 1873, since your report to his excellency, Gov. Coke.

We also estimate the taxes of several counties from which no returns have been received, at \$25,000.

Should it be the desire of yourself and the committee to have the rolls from 1867 to 1871 examined, we have to remark that it will be long and tedious, for it will become necessary to recapitulate each roll before the indebtedness of the sheriff can be correctly ascertained. We are of opinion, however, that a sufficient amount will be gained to the State to justify a prosecution of the work. Very respectfully,

Your obedient servants,

(Signed.) W. L. HILL.
R. J. CLOW.

On motion of Mr. Cochran, the rules were suspended and the resolution of the Senate relative "to the rules of procedure in cases of address for removal of district judges," was taken up and read.

Mr. Cochran offered the following resolution as a substitute therefor:

Resolved by the House of Representatives, the Senate concurring, That the rules of procedure to be followed by the Legislature in cases of removal of judges on address, be changed as follows: After twelfth line,

section four, insert "cause or causes contained in the address, and notified to the judge, by yeas and nays, which shall be entered on the journal of each House, respectively, by the question? 'Are the cause or causes sufficient to vote the address of removal of said judge?' Each member shall vote "yea" or "nay" on the question as his name is called."

The substitute was adopted. The resolution was then adopted.

Mr. Simpson moved to reconsider the vote by which the House sustained the ruling of the chair on the point of order raised by Mr. Triplett on yesterday, during the investigation of the causes for removal against Hon. M. Priest, said point being that the committee had incorrectly overruled the demurrer presented by the defendant, and that the demurrer should be acted on by the two Houses in joint session.

The vote was reconsidered.

The House then over-ruled the decision of the chair.

Mr. Simpson offered the following resolution:

Be it ordered by the House of Representatives of the State of Texas, sitting in the matter of M. Priest, judge of the Fourth Judicial District, that the demurrer of the respondent, M. Priest, be overruled. Pending which, a message from the Senate announced the adoption by that body of the House substitute for the Senate resolution changing the rules of procedure in the case of address for removal of district judges, and that that body had unanimously sustained the causes for removal preferred by address against M. Priest, judge of the Fourth Judicial District.

The resolution was adopted by the following vote:

Yeas—Mr. Speaker, Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, DeMorse, Donald, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Meissner, Middleton, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Sadler, Sayers, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker and Watts—66.

Nays—Messrs. Abnar, Beck, Brown of Harrison, Freeman, Galvan, Mitchell and Roberts—7.

Mr. Rainey moved that the House proceed to vote upon the charges.

Mr. Harrison moved a call of the House, which was sustained.

Absent—Messrs. Ballard, Cardis, Delany, Douglass, Kessler, Schmidt, Scott and Stewart of Montgomery.

The sergeant-at-arms was dispatched for those absentees in the city.

Mr. Meissner announced that Mr. Schmidt was in Houston.

Messrs. Douglass, Kessler, Ballard, Scott, Stewart of Montgomery, and Cardis, having been announced,

On motion of Mr. Reeves, the call was suspended.

The motion of Mr. Rainey was adopted, and the question put as prescribed by the rules.

Are the cause or causes sufficient to vote the address of removal of Hon. M. Priest, judge of the Fourth Judicial District? The charges were sustained by the following vote:

Yeas—Mr. Speaker, Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Middleton, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Sadler, Sayers, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—72.

Nays—Abnar, Ballard, Beck, Brown of Harrison, Freeman, Galvan, Mitchell, Meissner, Roberts and Scott—10.

The Speaker declared that the address had been voted.

On motion of Mr. McLeary, the resolution of the Senate making the Committees on Constitutional Amendments of both houses a joint committee to prepare amendments to the Constitution, and submit the same to each House, was adopted.

On motion of Mr. Sayers, leave was granted the Committee on State Affairs to submit the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives.

Your Committee on State Affairs, to whom was referred House bill No. 252, granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of the thirteenth of August, 1870, previous to the first of January, 1874, have given the same a very careful investigation, and report it back

recommending its passage, with the following amendments.

W. B. SAYERS, Chairman.

Amend the title of the bill by inserting after the word "prisoners," in the third line thereof, the words "and the survivors of the company of Capt. Dawson, who was massacred near San Antonio, in the year 1842, and the survivors of those who were captured at the city of San Antonio in the fall of the year 1842, and taken to the Castle of Perote and confined therein."

Amend the first section by inserting after the word "prisoners," in the sixth line thereof, the words, "and the survivors of the company of Capt. Dawson, who was massacred near San Antonio, in 1842; and the survivors of those who were captured at the city of San Antonio in the fall of the year 1842, and taken to the castle of Perote and confined therein."

Amend the third section by inserting after the word "expedition," in the thirteenth line thereof, the words, "and the survivors of the company of Capt. Dawson, who was massacred near San Antonio, in the year 1842; and the survivors of those who were captured at the city of San Antonio, in the fall of the year 1842, and taken to the castle of Perote and confined therein."

Amend the fourth section by inserting after the word "expedition," in the twenty-second line thereof, the words, "or while in prison as one of the persons captured at the city of San Antonio, in the fall of 1842."

Also amend the said fourth section by inserting after the word "expedition," in the thirty-fifth line thereof, the words, "or that he is one of the survivors of the company commanded by Capt. Dawson, who was massacred near San Antonio, in the year 1842, or that he is a survivor of those who were captured at the city of San Antonio, in the fall of the year 1842, and taken to Perote and confined therein." Also, amend the said fourth section by inserting at the end thereof the following words: "Or who were made prisoners at the same time."

Amend by striking out the fifteenth section of the bill, and insert in lieu thereof the following as the fifteenth section: "Section 15. No pension for a period of time later than the first day of January, 1874, shall be paid under the provisions of this act, unless the holder of a pension certificate shall prove to the satisfaction of the Governor, the Attorney General and the Comptroller of Public Accounts, that he has not sufficient estate to support himself without the aid of such pension."

Amend by adding the following as the sixteenth section: "Section 16. This act shall take effect from and after its passage."

The report was adopted.

On motion of Mr. Sayers, one hundred and twenty copies of the bill and amendments were ordered printed, and it was made the special order for Friday, twentieth inst., at 11 A. M.

On motion of Mr. Storey, Mr. Rainey was added to the Committee on Constitutional Amendments.

The special order House bill No. 266, to authorize counties, cities, and towns to aid in the construction of railroads and other works of internal improvements, was taken up and read second time.

Mr. Jackman moved to amend section one by striking out the words "may hereafter vote." Lost.

Mr. Smith, of Grimes, offered the following amendment: In line eleven after the word "bonds" insert "for such purposes." Adopted.

Mr. Kemble moved to amend section one, line ten, by striking out the words "or donation." The amendment was lost.

Mr. Cochran offered the following amendment: Amend section two by striking out after the word "required" in line one, the words "to be levied and collected," and inserting between the words "required" in line one, and "by" in line two, the words "to be set apart as a sinking fund." Adopted.

The bill was ordered engrossed.

Mr. Galvan offered the following resolution:

Resolved, That no member, unless in case of sickness, be excused for a longer period than one day at a time, and that no member be excused when five members are already absent.

Laid over under the rules.

Mr. Triplett moved to suspend the rules and take up the resolution offered by Mr. Galvan on yesterday, providing for observing the seventeenth of March, called St. Patrick's day, as a holiday, which carried by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Chambliss, Cochran, DeMorse, Douglass, Easley, Edwards, Epperson, Farrar, Galvan, Gellatly, German, Harris, Harrison, Hayes, Helton, Henderson of Kendall, Johnson, Kessler, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, O'Neal, Oxsheer, Patrick, Patterson, Price, Roberts, Sadler, Sayers, Scott, Smith of Travis, Smith of Grimes, Stuart of Falls, Swain, Triplett, Walker and Wortham—55.

Nays—Messrs. Bean, Bruce, Cain, Cardis, Donald, Eastland, Hart, Jackman, Jenkins, Kemble, Middleton, Nicholson, Rainey, Reeves, Storey, Von Bibertein, Watson and Watts—18.

Mr. Reeves moved to strike out the words "keep as a holiday" and "that no session be held on that day;" adopted. The resolution thus amended was adopted.

On motion of Mr. Sadler, the blank in the resolution was filled with the words "9.30 A. M., to-morrow."

The House was declared adjourned under the resolution.

FIFTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 18, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

Absent—Mr. Rogers.

On motion of Mr. Patrick, Mr. Rogers was excused for the day on account of sickness.

On motion of Mr. McLeary, Mr. Meissner was excused for one week from to-morrow on account of important public business.

The journal of yesterday was read and adopted.

Leave being granted, on motion of Mr. Von Biberstein, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your special committee on the monument of Gen. Sam Houston beg leave to say, that in consideration of the financial condition of the State, they do not deem it advisable, at present, to appropriate a large sum of money out of the State revenue for the erection of a monument to the memory of Gen. Sam Houston. They, therefore, offer a substitute to the resolution referred to the committee, providing for temporarily marking in an appropriate manner the resting place of the remains of Gen. Sam Houston until the State will be able to do justice to the memory of the hero of San Jacinto in a manner becoming the greatness and dignity of the State.

H. R. VON BIBERSTEIN, Chairman.

The substitute resolution having been read, on motion of Mr. Storey, the substitute and report were recommitted to the same committee.

Report from Committee on Enrolled Bills:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House bill No. 142, entitled "An act to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873," and presented the same to the Governor for his approval on yesterday, the seventeenth day of March, 1874, at 12:30 M.

E. D. LINN, Chairman.

On motion of Mr. Brown of Gregg, leave of absence was granted Mr. Henderson of Smith for eight days from to-morrow, on account of sickness in his family.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 266, "An act supplemental to 'An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" approved April 12, 1871, and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Sadler presented a petition of W. L. Livingston, Mary Jane Livingston and John W. Manning, for relief. Referred to the Committee on Private Land Claims.

The chief clerk was instructed to announce to the Senate that the House was ready to receive them in joint session on hearing of the causes set forth in the address for the removal of Hon. J. B. Williamson, judge of the Sixth Judicial District.

The Senate was announced, and took seats prepared for their reception, the President of the Senate occupying a chair on the right of the Speaker.

The roll of the Senate was called; quorum present.

The Speaker announced that the two houses were in joint session on hearing of the causes set forth in the address for removal of Hon. J. B. Williamson, of the Sixth Judicial District, and inquired if the counsel for the State were ready to proceed.

Mr. Goodwin, on behalf of the committee of both houses who had had the case in charge, replied that the counsel were ready to open the case.

Mr. H. P. Mabry, of counsel for the State, inquired if the counsel for the defense wished to argue the demurrer that had been submitted to the committee by whom the case had been conducted.

The Speaker replied that the two houses would hear argument upon the law and evidence only, and decide thereon in their respective chambers.

Mr. Mabry opened the argument, and was followed by Mr. J. W. Robertson, for the defense.

At the close of his address, on motion of Senator Bradshaw, the Senate retired to its own chamber.

On motion of Mr. Rainey, the House adjourned to 3 P. M.

AFTERNOON SESSION.

House met. Roll called; quorum present.

The chief clerk was instructed to announce to the Senate that the House of Representatives was ready to receive them in joint session on hearing of the causes set forth in the address for removal of Hon. J. B. Williamson, of the Sixth Judicial District.

The Speaker submitted the following communication from his Excellency the Governor, which was read and ordered spread upon the journal:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 18, 1874.
Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—I have the honor to acknowledge the receipt of your communication, of the seventeenth instant, with enclosures, showing the adoption by the requisite constitutional majority, by the House over which you preside, of an address to the Executive, requiring the removal of Hon. M. Priest from the office of judge of the Fourth Judicial District.

I have the honor to state that I have received this day, from Hon. R. B. Hubbard, President of the Senate of Texas, a communication informing me that the same address has been adopted in the Senate by the requisite constitutional majority. I beg leave, respectfully, through yourself, to inform the House of Representatives, that I have performed the duty devolved on the Executive, by this joint action of the two houses, by addressing a note to Hon. M. Priest, at Rusk, in Cherokee county, removing him from the office of judge of the Fourth Judicial District, and declaring said office vacant, a copy of which note accompanies this communication.

Very respectfully, your obedient servant,
RICHARD COKE, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 18, 1874.
Hon. M. Priest, Judge Fourth Judicial District:

SIR—The Legislature of the State of Texas, by a two-thirds vote of each house, has adopted and transmitted to me an address, requiring, for causes spread upon the records of said houses, of which you have been duly notified, your removal from the office of judge of the Fourth Judicial District of Texas. I, therefore, as Governor of Texas, in pursuance of the duty devolved on me by the Constitution, in virtue of this action of the Legislature, do hereby remove you from the office of judge of the Fourth Judicial District, and declare said office vacant. Very respectfully,

(Signed) RICHARD COKE,
Governor.

A message from the Senate announced that that body adhered to its second amendment to House bill No. 315, to regulate proceedings in the Supreme Court,

had appointed Senators Dwyer, Ball and Russell a committee of free conference upon the disagreement between the two houses, and requested a like committee on the part of the House; also, that it had passed House bill No. 16, to encourage stock-raising and for the protection of stock-raisers, with amendments by the Senate.

The Senate was announced and took seats prepared for their reception.

The Speaker announced that the case which was pending on adjournment, would be resumed.

Mr. Frank B. Sexton, of counsel for the State, addressed the two houses.

Mr. S. B. Lipscomb followed for the defense, pending whose address, on motion of Senator Dillard, the Senate retired to its own chamber.

Mr. Linn moved to adjourn to 8 P. M.

Mr. Reeves moved to adjourn to 9.30 A. M. to-morrow, which carried.

FIFTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 19, 1874.

House met. Roll called; quorum present.

Absent—Messrs. Ballard and Rogers.

Prayer by the chaplain.

On motion of Mr. Delany, Mr. Ballard was excused for eight days, beginning with this morning, on account of severe sickness in his family.

The Speaker submitted the following communication:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

We respectfully request that you present from the Speaker's desk the accompanying resolution of invitation to the State Fair, to be held in Houston, commencing on the nineteenth of May, by which time the Legislature will have doubtless adjourned:

Yours, etc., E. F. SCHMIDT,
D. U. BARZIZA.

HOUSTON, TEXAS, March 17, 1874.

Resolved, That the board of directors of the Texas State Fair do extend a cordial invitation to his Excellency Governor Coke, Lieutenant Governor Hubbard, and to the honorable members of the Texas Senate and House of Representatives to attend the Fifth Annual Texas State Fair, to be held on the State Fair Grounds, in the city of Houston, commencing Tuesday, May 19, and to have free access to the same during its continuance, and that this action be made known to the respective houses through Senator W. R. Baker and Messrs. Barziza and Schmidt.

W. J. HUTCHINS,

JAS. F. DUMBLE, President.

Secretary.

On motion of Mr. Sadler, the invitation

was accepted, and the communication was ordered spread upon the journal.

On motion of Mr. Triplett, the reading of the journal was dispensed with.

On motion of Mr. McLeary, Mr. Beale, sergeant-at-arms, was granted leave of absence for one week on account of sickness in his family.

On motion of Mr. Patrick, Mr. Rogers was excused indefinitely, on account of sickness.

A message from the Senate announced the adoption by that body of the House concurrent resolution setting Friday, March 20, 3 P. M., for the hearing of the causes set forth in the address for the removal of Hon. L. W. Cooper, judge of the Third Judicial District.

The chief clerk was instructed to inform the Senate that the House of Representatives was ready to receive that body in joint session on hearing of the causes set forth in the address for the removal of Hon. J. B. Williamson, judge of the Sixth Judicial District.

Mr. Simpson offered the following concurrent resolution:

Resolved, by the House of Representatives, the Senate concurring, That the practice or rule, allowing counsel to appear and prosecute in behalf of the State, in matters of address, for the removal of district judges, is not warranted by law, nor contemplated by the Constitution. Matters of address are ordinary legislation, differing only therefrom by the constitutional privilege of the person sought to be removed of appearing by counsel or in person and answering the charges preferred by the Legislature, in its official capacity; and that so much of the rules heretofore adopted as permits this irregular practice is hereby annulled.

The Senate was announced and received.

Mr. Lipscomb, of counsel for the defense, resumed and closed his argument, and was followed by Mr. James Turner, also of counsel for respondent. That gentleman having occupied the allotted time before concluding his argument, on motion of Mr. Galvan, half an hour additional was granted him in which to close his address.

At its close, on motion of Senator Westfall, the Senate retired to its chamber.

On motion of Mr. Storey, the House adjourned to 3 P. M.

AFTERNOON SESSION.

House met, Roll called; quorum present.

The chief clerk was instructed to announce to the Senate that the House of Representatives was ready to receive them in joint session on hearing of the causes set forth in the address for removal of Hon. J. B. Williamson judge of the Sixth Judicial District.

The Speaker submitted the following communication.

SAN MARCOS, Texas, March 14, 1874.

Hon. Guy M. Bryan, Speaker of the House of Representatives.

DEAR SIR—At the request of the grand jury of Hays county, I herewith transmit a certified copy of the report made by said grand jury at the present term of the district court in regard to the laws in regard to stock.

I have the honor to be, very respectfully, your obedient servant,

J. P. RICHARDSON,

Judge Twenty-seventh Judicial District.

To Hon. J. P. Richardson, Judge of the Twenty-seventh Judicial District of Texas:

We, the grand jurors for the March term of the District Court of Hays county, through our foreman, respectfully represent to your honor that we find the stock laws of our State in a truly deplorable condition, affording but little or no protection to the stockraisers. Under the present system of stock laws in our State, we find it almost impossible to punish bad men, who are almost daily engaged in wholesale and indiscriminate stealing of stock. In our opinion we think it would be well for the Legislature to abolish all the present stock laws and enact other stock laws making it a felony for persons to be found in possession of or in any manner handling, driving or dealing with the stock of others; unless by special permission of the owner or owners of said stock. And we respectfully request that your honor lay this matter before our State Legislature.

GEORGE T. McGENEE,

Foreman Grand Jury.

San Marcos, Hays county, March 13, 1874.

THE STATE OF TEXAS, COUNTY OF HAYS.—I, Ed. J. L. Green, Clerk of the District Court of said county, hereby certify the above to be a copy of the original report of the Grand Jury of Hays county for March term, 1874, of District Court of Hays county, now on file in my office.

Witness my hand and official seal at San Marcos, fourteenth day of March, A. D. 1874.

[SEAL]

ED. J. L. GREEN,

Clerk of District Court, Hays county, Texas.

On motion of Mr. Kessler, the communication was referred to the Committee on Agriculture and Stockraising.

The Senate was announced and received.

The Speaker announced that counsel would resume the argument.

Mr. W. M. Walton, of counsel for the State, addressed the joint session.

At the close of his address, on motion of Senator Parker, the Senate retired to its own chamber.

Mr. Jackman moved a call of the House, which was sustained and ordered.

Absent: Stewart, of Montgomery.

On motion of Mr. Lea, the call was suspended.

Mr. Triplett offered the following order:

Be it ordered by the House of Representatives,
That the demurrer of the respondent, J. B. Williamson, be overruled.

The order was made.

Mr. Storey moved that the House proceed to take the vote. Carried.

The Speaker put the question: Is there a cause or are there causes sufficient to vote the address of removal of Hon. J. B. Williamson, judge of the Sixth Judicial District? upon which the vote was as follows:

Yeas—Mr. Speaker, Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Deuglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Middleton, Miller, Nicholson, O'Neal, Oxshcer, Patrick, Patterson, Price, Rainey, Reeves, Rosborough, Sadler, Sayers, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Watson, Watts and Wortham—69.

Nays—Messrs. Abnar, Beck, Brown of Harrison, Freeman, Galvan, Kessler, Mitchell, Murphy, Roberts, Schmidt and Scott—11.

The Speaker announced that the address had been voted.

Mr. Jackman asked leave of absence for Mr. Storey for two days, beginning to-morrow. The House refused to grant the desired leave.

On motion of Mr. DeMorse, the House adjourned to 9:30 A. M. to-morrow.

FIFTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, March 20, 1874. }

House met; roll called; quorum present.
Prayer by the chaplain.

Absent—Mr. Stewart of Montgomery.

On motion of Mr. Stuart of Falls, Mr. Stewart of Montgomery, was excused for the day on account of sickness.

A message from the Senate announced the passage by that body of Senate bill No. 272, making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employees of the Fourteenth Legislature of the State of Texas; and Senate bill No. 141, to organize unorganized or disorganized counties within the State of Texas.

Mr. Stuart of Falls, moved to dispense with the reading of the journals of yesterday and the day preceding. Lost.

A further message from the Senate announced that that body had voted the address for removal of Hon. J. B. Williamson, judge of the Sixth Judicial District, by a vote of twenty-two to four.

The journal of the eighteenth instant was read and adopted.

The journal of yesterday was read and adopted.

Mr. Storey moved to suspend the rules and take up House bill No. 16, to encourage stockraising and for the protection of stockraisers. Carried.

The bill was then taken up pending the following amendments by the Senate: Amend section forty-four by inserting "Fort Bend, Wharton, Limestone, Angelina, Cherokee, Houston, Trinity, Denton, Leon and Wise."

Mr. Reeves moved to concur in the amendment except as to Denton, Wise and Limestone. Carried.

Second amendment. Strike out of section forty-four the word "Austin." The second amendment was concurred in.

Mr. Stuart of Falls, moved to suspend the rules to allow him to make a report from a special committee, which carried, and the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your select committee, to whom was referred Senate bill No. 64, entitled "An act supplementary to an act authorizing the disposition and sale of university lands," approved August 30, 1856, approved November 12, 1866, have had the same under consideration, and have instructed me to report the same back to the House, with accompanying amendments, and recommend that it pass as amended.

All of which is respectfully submitted.

E. C. STUART, Chairman.

Amend section one, after the word "Texas," in seventh line, by inserting, "or so much thereof as in his judgment will be to the interest of the University fund." Amend section ten by striking out the word "forty," in line eleven, and wherever it occurs. Amend section twelve by inserting after the word "filed," in third line, "and forward one-tenth of the assessed value of the tract or tracts to the Treasurer of the State, who shall forward to such applicant a receipt for the amount received, and such applicant shall." Also, amend section twelve, after the words "for the," in sixth line, and insert "balance of the." Also, amend section twelve by striking out all after the word "principal," in tenth line, to and including "purchase," in eleventh line. Amend section seven by inserting after the word "acres," in eighth line, the words

"and, provided further, that if said land has been occupied or improved for six years or more, then the improvements shall be taken into consideration in making said valuation." Amend section twenty-seven as follows: "In case any portion of the said University lands are not sold and taken up by actual settlers, as provided for in this act, any other person may purchase the same at not less than the minimum price fixed by the commissioners, and upon the same terms as actual settlers; provided, that no person other than an actual settler shall be permitted to purchase less than 160 acres; and, provided further, that if under the provisions of this section any improved lands should be sold, the purchaser thereof shall pay for the enhanced value of said land, by reason of improvements, in addition to the appraised value thereof."

On motion of Mr. Storey, the further consideration of the bill was postponed to 10:30 A. M. to-morrow.

On motion of Mr. Miller, the rules were suspended to allow the introduction of the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to whom was referred Senate bill No. 30, entitled "An act concerning landlords and tenants," after a careful examination of the same, instruct me to return it to the House and recommend its passage, with the following amendments, to-wit:

In section one, line sixteen, strike final letter from the word "purposes." Same section; strike from line thirty-three all after the word "to," all of line thirty-four and to the word "provided" in line thirty-five, and insert "all laws exempting such property from forced sales."

Section two. Strike out in lines thirty-six and thirty-seven the words "not more than one hundred dollars," and insert "within the jurisdiction of a justice of the peace;" and from line thirty-eight the words "more than one hundred dollars," and insert "over the jurisdiction of a justice of the peace."

All of which is respectfully submitted.

W. G. MILLER, Chairman.

On motion of Mr. Smith of Grimes, the further consideration of the bill was postponed until Wednesday, March 25, 11 A. M.

The concurrent resolution offered by Mr. Simpson, relative to the conduct of cases of address for removal of district judges, was taken up.

Mr. Simpson offered the following substitute therefor:

WHEREAS, The Fourteenth Legislature in the matter of the address of judges is setting precedents for all future action, and to which all subsequent legislative bodies will likely conform; and

Whereas, It is imperatively necessary

that a correct and consistent rule of procedure be established; therefore, be it

Resolved by the House of Representatives, the Senate concurring. That the practice or rule allowing numerous counsel to appear and prosecute in behalf of the State in matters of address, is not warranted by law, nor contemplated by the Constitution, and it is hereby declared that addresses are not trials, in the ordinary acceptation of the term, but are ordinary legislation, differing only therefrom by the constitutional privilege of the judge sought to be removed of appearing in person or by counsel; and that henceforth the respondent shall be heard in the opening argument in person or by counsel for two hours, and that one person, to be designated by the Legislature, shall be heard for a like period of time in reply, and that so much of the rules of procedure as conflict herewith be annulled.

That this resolution take effect from and after its passage.

Mr. Linn offered the following amendment to the original resolution: "Provided, That this resolution does not apply to nor affect the matters of address now before the Legislature." Adopted.

On motion of Mr. Simpson, the resolution and substitute were laid on the table.

On motion of Mr. Sayers, the rules were suspended and House bill No. 4, "to fix the venue in certain cases," was taken up, pending the following amendments by the Senate: In line three, section one, insert after the word "corporation" the words "including railroad corporations." The amendment was concurred in. Second--Amend by striking out all of section second after the word "agent." The second amendment was concurred in.

The special orders were announced: House bills No. 224, "to regulate fire and marine insurance companies," and No. 252, "granting pensions to surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of thirteenth of August, 1870, previous to first of January, 1874."

On motion of Mr. Simpson, the order of the bills was transferred and the last named was taken up first.

Mr. Sayers moved to take up the bill by sections. Lost.

Mr. Johnson moved to postpone its further consideration until Wednesday, March 25, at 1 P. M. Carried.

House bill, No. 224, "To regulate fire, marine and life insurance companies," was then taken up.

On motion of Mr. Simpson, the House proceeded to consider the bill by sections.

(Mr. Smith of Grimes, in the chair.)

Sections one to eighteen, inclusive, were read and adopted.

Mr. Hayes moved to amend section nineteen, line seventeen, by striking out the words "by agent or agents," and inserting after the word "state," the words "may be sued in any county in the State, in which the cause of action or a part thereof accrued, and." Carried.

Mr. Simpson moved to fill the blank in line twenty-seven, with "according." Carried.

Mr. Hayes moved to amend, by inserting in line twenty-seven, after the word "company," the following: "and service of process may be had on any such company by delivering a copy thereof to the president, secretary or treasurer of said company." Carried.

Mr. McLeary moved to amend by striking out of line twenty-eight, the words "or any other." Carried.

Section nineteen was then adopted.

Sections twenty to twenty-three, inclusive, were read and adopted.

Mr. Simpson offered the following amendment to section twenty-four: Add to section twenty-four the following: "And the Comptroller is hereby authorized and empowered, upon the passage of this act, to appoint a suitable person experienced in the business of insurance as clerk of the insurance department, whose duty it shall be, under the supervision and direction of the Comptroller, to attend to all matters, in detail, connected with insurance in this State; and said clerk shall receive in full of all compensation for his services, the fees (exclusive of taxes) required to be paid by insurance companies under this act." Adopted.

The section was then adopted.

Sections twenty-five to twenty-nine, inclusive, were adopted.

The substitute recommended by the Committee on State Affairs for section thirty was adopted.

The section was then adopted.

Section thirty-one was adopted.

Mr. Simpton moved to amend section twenty-four by striking out of lines seven and eight the words "which shall go to the Comptroller;" and by striking out of line fifteen the word "officer" and inserting in lieu thereof "clerk." Carried.

Mr. Brown of San Saba moved to amend section three by striking out of lines four and five the words "nor more than one million dollars." Carried.

Mr. Storey moved to amend section thirty-one by inserting in line five, after the word "force," the word "in." Carried.

Mr. Brown of San Saba moved to amend section fourteen by striking out all between "act," in line two, to the word "shall," in line four; carried. Also, line, ten by strik-

ing out the words "not exceeding said maximum;" carried.

The bill was ordered engrossed.

Leave being granted, Mr. Jackman introduced a bill to detach certain territory belonging to Guadalupe county, and attach the same to the county of Hays. Referred to Committee on Counties and County Boundaries.

Mr. Brown of Gregg moved to suspend the rules and call the roll, and allow members to introduce bills and present petitions, which should be read by caption and referred to committees. Carried.

Mr. Anderson presented a petition of citizens of Rusk county, relative to delinquent taxes. Referred to Finance Committee.

Mr. Barziza introduced a bill to declare the declaration of intention required by the Constitution of the State, to be made by an alien to entitle him to be deemed a qualified elector sufficient, if made before certain courts or before the clerk of either of such courts. Also, a bill for the protection of sheriffs, constables and coroners. Also, a bill to amend the first section of an act entitled "An act to prevent judgments from becoming dormant and to create and preserve judgment liens." Also, a bill supplemental to an act entitled "An act to provide for and regulate mechanics', contractors' and other liens in the State of Texas," approved November 17, 1871; all of which were referred to Judiciary Committee No. 2. Also, a bill to incorporate the Houston and Brazos Canal and Navigation Company and to grant State aid thereto; referred to the Committee on Internal Improvements.

Mr. Bean introduced a bill to repeal an act entitled "An act to regulate the practice of medicine," passed May 16, 1873, with petition relative thereto. Referred to Judiciary Committee No. 2.

Mr. Brown, of San Saba, introduced a bill concerning bills of sale or other instruments of writing concerning the using, selling or driving of cattle or horses. Referred to Judiciary Committee No. 2.

Mr. Cain presented a petition for the repeal of the act incorporating the town of Sulphur Springs. Referred to the Committee on Towns and City Corporations.

Mr. Chambliss offered the following resolution:

Resolved, That 4000 copies of the Governor's message recommending that a joint committee of both houses be appointed to prepare amendments to the Constitution be printed in English, 1000 in German, and 500 in the Spanish language.

Mr. Cardis presented a protest of citizens of Bexar county against the formation of Benton county. Referred to the Committee on Counties and County Boundaries.

Mr. Cochran introduced a bill to validate certain land certificates. Referred to Judiciary Committee No. 2.

Mr. Douglass introduced a bill to prohibit the sale or disposition of spirituous, vinous or other intoxicating liquors within two miles of the town of Woodbury, in Hill county. Referred with petition relative thereto, to the Committee on Towns and City Corporations.

Mr. Easley presented a petition of the citizens of the town of Manor, asking the repeal of the act of the Thirteenth Legislature prohibiting the sale of intoxicating liquors, passed May 31, 1873. Referred to the Committee on Education.

Mr. Harrison presented a petition from citizens of Van Zandt county, asking the formation of the county of Coke. Referred to the Committee on Counties and County Boundaries.

Mr. Jenkins introduced a bill to incorporate the Richland Bridge and Turnpike Company, in Upshur county, Texas. Referred, with accompanying papers, to the Committee on Roads, Bridges and Ferries.

Mr. Kemble presented petitions from Parker and other counties, asking the passage of a law similar to the Ohio liquor law. Referred to the special committee on the Ohio liquor law.

Mr. Kessler presented a petition from citizens of Gillespie county, asking a modification of the law regulating the sale of liquor. Referred to the Committee on Finance.

Mr. Linn introduced a bill to repeal article 411 of the Penal Code. Referred to Judiciary Committee No. 2.

Mr. Lawhon presented a petition from citizens of Kaines county, against the passage of any law prohibiting stock from running at large. Referred to the Committee on Agriculture and Stockraising.

Mr. Manning introduced a bill to regulate the management of railroad companies. Referred to the Committee on State Affairs.

Mr. McLeary introduced a bill to incorporate the Western Texas Immigration Association. Referred to the Committee on Immigration.

Mr. Murphy presented a petition from citizens of Medina county, protesting against the dismemberment of that county; also, a petition of citizens and taxpayers of Nueces county protesting against any connection with San Patricio county. Both referred to the Committee on Counties and County Boundaries.

Mr. Nicholson introduced a bill for the relief of the heirs of William Stewart, and a bill for the relief of the heirs of Thomas Crawford, both of which were referred to the Committee on Private Land Claims.

Mr. O'Neal introduced a bill to "Amend an act entitled 'An act to enable the district judges to make temporary appointments of clerks of district courts in cases of vacancies.'" Referred to Judiciary Committee No. 1.

Mr. Oxsheer presented a petition for a charter for a bridge across Brushy Creek, Milam county. Referred to Committee on Roads, Bridges and Ferries.

Mr. Rosborough presented a petition of John L. Marshall *et al.*, for relief. Referred to Committee on Private Land Claims.

Mr. Sadler presented a petition of Joseph and Sam Morgan, heirs of Isaac Morgan, for a headright certificate; referred to the Committee on Private Land Claims. Also, a bill to amend the fourteenth section of "An act to amend and reduce into one the several acts concerning executions," approved January 27, 1842; referred to Judiciary Committee No. 2.

Mr. Sayers introduced a bill to incorporate the Gonzales Railway Company. Referred to the Committee on Internal Improvements.

Mr. Simpson presented a memorial of the citizens of Polk county, protesting against any change of county lines. Referred to Committee on Counties and County Boundaries.

Mr. Smith of Travis presented a petition of citizens of Burnet county, protesting against any portion of the county being attached to other counties. Referred to the Committee on Counties and County Boundaries.

Mr. Stephens introduced a bill to authorize Comanche county to issue bonds and levy a special tax; referred to Judiciary Committee No. 1. Also, a bill to incorporate the Texas and Midland Railway, and to aid in the construction of the same; referred to Committee on Internal Improvements. Also, a bill to recognize and provide for the payment of J. M. Elkins's company of minute men, organized in Coleman county; referred to the Committee on Indian Affairs.

Mr. Swain introduced a bill to pay salaries of certain extra clerks in the Treasurer's office, appointed to serve two months or during the present session of the Fourteenth Legislature; referred to the Committee on Finance.

Mr. Triplett presented a protest of citizens, property owners and tax payers of Orange county, against the action of the Thirteenth Legislature, in amending the charter of the Texas and New Orleans Railway Company, and praying redress as to the crossing of said Texas and New Orleans Railroad Companys, *alias* New Orleans, Mobile and Texas Railroad Company, on Sabine river; referred to Judiciary Committee No. 2.

Mr. Von Biberstein presented a memorial from members of the Brenham bar, relative to the organization of the Twenty-ninth Judicial District; referred to the special committee on redistricting the State.

Mr. Stuart, of Falls, introduced a bill supplemental to, and amendatory of, "An

act incorporating the town of Marlin, Falls county;" referred to the Committee on Towns and City Corporations.

Mr. Wortham presented causes for removal on address of Hon. W. N. Andrews, of the Eleventh Judicial District; read and referred to Judiciary Committee No. 1.

Mr. Storey offered the following resolution:

Resolved, That the Hon. Frank Rainey be and is hereby authorized to receive any and all warrants due the late Hon. J. T. Smith, late a member of the House of Representatives of the Fourteenth Legislature, and to draw any moneys due thereon, to be conveyed by him to the heirs of the said J. T. Smith.

The resolution was adopted.

A message from the Senate announced that that body had adopted as a substitute for House bill No. 6, a bill to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of January, 1873, and to provide for the payment of the same, and had passed the same; also, that it receded from that part of its amendment to House bill No. 16, to encourage stock-raising and for the protection of stockraisers, which had not been concurred in by the House.

The Speaker appointed the following committee of conference upon House bill No. 315, "To regulate proceedings in the Supreme Court," to meet the like committee appointed by the Senate: Messrs. Von Bibberstein, Delaney, Harris, Smith, of Travis, and Smith, of Grimes.

A message from the Senate announced the adoption by that body of the following concurrent resolution:

Resolved by the Senate, the House of Representatives concurring, That the Senate and House of Representatives meet in joint session to hear the argument and consider the address in the matter of the removal of Hon. L. W. Cooper from the office of judge of district court, on Tuesday next, at the hour of 9 A. M. of said day.

The resolution was taken up and adopted.

The following communication from his Excellency the Governor was received and ordered spread upon the journal:

EXECUTIVE OFFICE, }
AUSTIN, March 20, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

I have the honor to acknowledge the receipt of your communication of nineteenth instart, with inclosures showing the adoption, by the requisite constitutional majority, by the house over which you preside, of an address to the Executive requiring the removal of the Hon. J. B. Williamson from the office of judge of the Sixth Judicial District.

I have the honor to state that I received, yesterday, from Hon. R. B. Hubbard, President of the Senate of Texas, a communication informing me that the same address has been adopted in the Senate, by the requisite constitutional majority. I beg leave respectfully, through yourself, to inform the House of Representatives that I have performed the duty devolved upon the Executive by this joint action of the two houses by addressing a note to the Hon. J. B. Williamson, at Marshall, in Harrison county, removing him from the office of judge of the Sixth Judicial District, and declaring said office vacant, a copy of which note accompanies this communication.

Very respectfully, your obedient servant,
RICHARD COKE, Governor.

EXECUTIVE OFFICE, }
AUSTIN, March 20, 1874. }

Hon. J. B. Williamson, Judge of the Sixth Judicial District, Marshall, Texas:

SIR—The Legislature of the State of Texas, by a two-thirds vote of each House, have adopted and transmitted to me an address, requiring for causes spread upon the records of said two houses, of which you have been duly notified, your removal from the office of Judge of the Sixth Judicial District of Texas; I, therefore as Governor of Texas, in pursuance of the duty devolved on me by the Constitution, in virtue of this action of the Legislature, do hereby remove you from the office of judge of the Sixth Judicial District, and declare said office vacant.

Very respectfully,

RICHARD COKE, Governor.

On motion of Mr. O'Neal, Mr. Lawhon was added to the special committee on the Ohio liquor law.

Mr. Rainey moved to suspend the rules and allow Judiciary Committee No. 2 to report upon Senate bill No. 49.

Mr. Reeves moved to adjourn to 9:30 A. M. to-morrow. Lost.

The motion of Mr. Rainey was then put and carried, and the following report submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee, No. 2, to whom was referred Senate bill No. 49, entitled "An act to regulate the testimony of witnesses in cases of bribery," have had the same under consideration, and instruct me to return the same, and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read, the report was adopted and the bill passed to third reading.

On motion of Mr. Stuart, of Falls, the rules were suspended, the bill was read third time and passed.

On motion of Mr. Kessler, the Senate substitute for House bill No. 6, being a bill to ascertain the amount due the teachers of the public free schools of this State, for services rendered as teachers prior to the first day of January, 1873, and to provide for the payment of the same, was taken up and read.

Mr. Kessler moved to postpone the further consideration of the bill until March 27, at 11 A. M., make it a special order for that hour, and that one hundred copies be printed. Carried.

On motion of Mr. Epperson, Senate bill No. 27, to amend sections five, eight, seventeen and nineteen of "An act entitled 'An act to incorporate the Orange, Jasper and Shelby Railroad Company and to aid in the construction of their road,'" was taken up, pending a substitute offered therefor by the Committee on Internal Improvements, and referred, with the substitute and all accompanying papers, to the Committee on Internal Improvements.

On motion of Mr. Miller, Mr. Price was granted leave of absence for two days, on account of important business.

On motion of Mr. Harris, Judiciary Committee No. 1 was allowed to make the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 1, to whom was referred House bill No. 51, to be entitled "An act to authorize parties in certain cases to sue in the district courts for headright certificates, etc.," have had the same under consideration, and have proposed amendments thereto, and a majority of said committee have instructed me to recommend the passage of said bill with amendments thereto.

JOHN W. HARRIS, Chairman.

On motion of Mr. Harris, the bill was postponed to March 28, 1874, 11 A. M., and made special order for that hour.

Mr. Galvan moved to take up the resolution offered by himself, relative to excusing members. The House refused.

On motion of Mr. Pickett, the House adjourned to 9.30 A. M. to-morrow.

FIFTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 21, 1874. }

House met; roll called; quorum present.
Prayer by Rev. E. B. Wright.

Absent—Messrs. Brown of Harrison and Von Biberstein.

On motion of Mr. Lindsey, Mr. Von Biberstein was excused for the day on account of important business.

Mr. Oxsheer moved to grant Mr. Stuart of

Falls leave of absence for eight days, beginning Monday next, which carried.

Mr. Bruce moved to excuse Mr. Hayes for four days, beginning on Thursday next, on account of important business; which carried.

The journal of yesterday was read and adopted.

The Speaker submitted a petition from citizens of Cherokee county, protesting against any dismemberment of that county. Read and referred to the Committee on Counties and County Boundaries.

Mr. De Morse introduced a bill to provide for the publication of all general laws as soon as passed. Referred to the Committee on State Affairs.

Mr. Smith of Grimes moved to suspend the rules and take up Senate bill No. 272, making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employees of the Fourteenth Legislature of the State of Texas, which carried. The bill was read and passed to second reading.

On motion of Mr. Smith of Grimes, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Johnson, the rules were further suspended.

The House went into committee of the whole upon the bill, Mr. Cochran in the chair.

The bill having been read third time, the committee rose and recommended the passage of the bill.

The report was adopted, and the bill passed by the following vote:

Yeas—Mr.—Speaker, Abnar, Anderson, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Cochran, Delancy, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Foote, Freeman, Galvan, Gellatly, German, Goodwin, Harris, Hart, Hayes, Helton, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Middleton, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Rainey, Reeves, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Story, Stuart of Falls, Swain, Triplett, Watson, Watts and Wortham—75.

Nays—None.

Report from Committee on Enrolled Bills:
Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House bill No. 4, entitled "An act to fix the *venue* in certain cases;" also House bill No. 16, entitled, "An

act to encourage stockraising and for the protection of stockraisers," and presented the same to the Governor for his approval, this the twenty-first day of March, 1874, at 10:15 A. M.

E. D. LINN, Chairman.

By leave Mr. Delany introduced a bill to limit the power of taxation in cities and towns whose population does not exceed fifteen thousand; read and referred to Judiciary Committee No. 1. Also, a bill to amend "An act to fix the times of holding the district court of the Twenty-first Judicial District of the State," approved June 4, 1873; referred to Judiciary Committee No. 1.

Mr. Helton presented a petition from citizens of Iredell, Bosque county, for "An act to prohibit the sale of intoxicating liquors within four miles of Iredell school." Referred to the special committee on the Ohio liquor law.

The special order, Senate bill No. 64, supplementary to "An act authorizing the disposition and sale of University lands," approved August 30, 1856, approved November 12, 1866, was taken up pending the amendments offered by the special committee by whom the bill had been reported.

Mr. Reeves moved to amend the first amendment by striking out the word "fund." Lost.

The first amendment was then adopted.

Mr. Storey moved to amend the second amendment by inserting "eighty" wherever "forty" was stricken out. Carried, and the amendment thus amended was adopted.

The second, third and fourth amendments were then adopted.

Mr. German moved to reject the fifth amendment.

Pending discussion, the hour for the special order arrived, being House bill No. 350, to redistrict the State into judicial districts, to reduce the number thereof and to provide for assigning judges and district attorneys thereto.

Mr. Rainey moved to postpone the pending bill until the special order should be disposed of, which carried.

The special order was then taken up.

Mr. Barziza offered the following substitute therefor: a bill to redistrict the State into convenient judicial districts.

On motion of Mr. Simpson, the House went into committee of the whole upon the bill and substitute.

(Mr. Harrison in the chair.)

After discussion, the committee rose and reported they had adopted the substitute, and recommended that the original and substituted bill be recommitted to a special committee, to be composed of one from each senatorial district. The report of the committee was adopted.

Mr. Denman moved to require the committee to report Tuesday next, at 10 A. M.

Mr. McLeary moved to amend by substituting Wednesday, and that the committee be requested to meet every night until they have perfected a bill to be presented to the House. The motion carried.

The previously pending bill, Senate bill No. 64, supplementary to "An act authorizing the disposition and sale of University lands," approved August 30, 1856, approved November 12, 1866, was resumed, pending the motion of Mr. German to reject the fifth amendment.

Mr. Lea moved to adjourn to 9:30 A. M. Monday. Lost.

Mr. Kessler offered the following substitute for the amendment: Insert after the word "provided," line six: "that the settlers shall pay interest at the rate of seven per cent. per annum on the assessed value of the land from the time they have been in possession of the same."

On motion of Mr. Cain, leave of absence was granted Mr. Wortham for four days beginning Monday next.

The following special committee upon redistricting the State, was announced:

First District, Mr. Simpson; Second, Johnson; Third, Denman; Fourth, Harrison; Fifth, Abnar; Sixth, Matthews; Seventh, DeMorse; Eighth, Swain; Ninth, Farrar; Tenth, Cain; Eleventh, McCuiston; Twelfth, Harris; Thirteenth, Freeman; Fourteenth, Barziza; Fifteenth, Lea; Sixteenth, Scott; Seventeenth, Oxsheer; Eighteenth, Goodwin; Nineteenth, Sadler; Twentieth, Kemble; Twenty-first, Pickett; Twenty-second, Reeves; Twenty-third, Douglass; Twenty-fourth, Lawhon; Twenty-fifth, Delaney; Twenty-sixth, Miller; Twenty-seventh, Storey; Twenty-eighth, Brown of San Saba; Twenty-ninth, McLeary; Thirtieth, Murphy.

Mr. Sadler was appointed chairman of the committee.

On motion of Mr. McLeary, the House adjourned to 9:30 A. M. Monday.

FIFTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, March 23, 1874. }

House met. Roll called; quorum present. Prayer by the chaplain.

The journal of Saturday was read and adopted.

The Speaker submitted the following memorial, which was read, ordered spread upon the journal, and referred to the special committee upon redistricting the State:

THE MEMORIAL OF THE MEMBERS OF THE GALVESTON BAR TO THE LEGISLATURE OF THE STATE OF TEXAS.

The undersigned, a committee acting in pursuance of a resolution adopted at a meet-

ing of the members of the Galveston bar, respectfully present their views upon the interests of Galveston county, as involved in any contemplated arrangement of the judicial districts of the State.

And first, we desire briefly to state our present facilities for the transaction of civil business through the courts.

The counties of Galveston and Brazoria constitute at present the Eighteenth Judicial District. The court sitting at Galveston attends only to civil business, jurisdiction in criminal causes being vested in a separate tribunal for the counties of Galveston and Harris.

The sessions of the court at Galveston begin on the third Mondays in June, November and February. The June term has not been, and, from climatic causes, is not likely to be of much consequence so long as the judge is a *non-resident* of our county.

The November term is interrupted by the holidays, and the Brazoria court convening on the third Monday in January, makes it but a session of some five weeks. We are thus reduced to the condition of having but one term of the district court in the course of the year, the February term, at which any considerable amount of business can be transacted. It is not practicable to force the trial of litigated cases at any other than the February term, otherwise than by the merest casualty.

We present below an abstract showing the relative state of our docket at different periods.

NUMBER OF CASES ON DOCKET.

November, 1872.....	788
January, 1873.....	852
November, 1873.....	1,035
January, 1874.....	1,004

It will thus be seen that the number of cases is continually on the increase, with our docket in rapid process of becoming so encumbered as to make the period when a trial can be had in any given case, to which it is so important, for the purpose of convenience and economy, that a reasonable degree of certainty should attach, merely conjectural and beyond the limits of calculation or probability. So far from charging accountability for this condition upon the present incumbent, it is but justice to him, as it is a pleasure to ourselves, to say that it is in no wise due to any want of earnest effort on his part to produce a different and more satisfactory result, but is due alone to the inadequacy of our facilities to meet the requirements of our business.

While this accretion of cases, under a diligent use of all present facilities, constitutes in itself strong evidence of the requirements of our condition, we would further present for the convenient reference of your honorable bodies, such statistical information bearing thereon as may be gathered from

data readily at hand. The total taxable property of the State, as estimated by his excellency the Governor, in his message of February 10, is \$240,000,000, and the total occupation tax, in the same message, is estimated at \$250,000. The taxable property of the city of Galveston alone, as shown by the assessment rolls for 1873, is \$17,772,468, and the occupation tax payable by Galveston is about \$100,000. Thus the *ad valorem* tax payable by Galveston is about one fourteenth, and the occupation tax an approximation to one-half of the whole.

The population of this city, as shown by census recently taken by the municipal authorities, is 35,000.

The receipts of cotton alone at this port to date, for the current cotton year, as shown by statements of the Galveston Cotton Exchange, amounts to 320,000 bales. Galveston is the fourth cotton market of the United States in receipts, and follows closely upon Charleston and Norfolk, ranked above her.

In connection with other facts and figures, it should also be understood that the business of Galveston is, from its very nature, out of all proportion to local population, it being the mart or market where, in some shape, the great bulk of the business of the State is transacted.

We respectfully refer your honorable bodies to the accompanying documents, viz: Statistics of the city of Galveston, prepared by the Chamber of Commerce; report of Cotton Exchange for the week ending March 13; report of the county treasurer of Galveston county for 1873.

The high rates of interest for money which obtain here we believe to be largely due to the delay incident, under our present system, to obtaining judgments upon ordinary moneyed demands. The time of recovery is rendered remote and indefinite, the expense attending collections largely increased, and securities subject to failure and depreciation by the lapse of time.

We have not statistics at hand to show the fact, but, after inquiry, we fail to find any city, even of the population of Galveston, and certainly none can be found transacting the same amount of business, where superior facilities for the enforcement of civil rights through the courts are not afforded. With a full and high appreciation of that desire for an economical administration of our public affairs, which we perceive to animate your councils, gratifying to us in common with the whole people, we do not believe you will, on that account, refuse to this community and to the business interests of our State, which it so largely represents, an act of simple justice, so far-reaching in its consequences, so imperative in its character, and of so high an order as the providing of such additional facilities for the assertion

of civil rights in the courts of justice as our condition may require. Already are our merchants driven, for the want of remedies through the avenue of the courts, to ruinous compromises and vicarious arbitrations. Nor does it require other than a fair deduction from the facts to attribute to the same source of evil the frequency of the resort now had to the harsh and summary processes of bankruptcy and attachment.

We therefore respectfully urge, as an act of justice to this community and to all with whom it has business relations, that the evils arising from this unnatural condition be no longer suffered; that the growth and prosperity of the principal city of our great State be no longer impeded by a practical denial of civil rights, in "due course of the law of the land."

We ask that Galveston county be created a separate judicial district for the transaction of civil business only. To require that court also to discharge the criminal business of this county would be to impose a burden that would impair its usefulness in both branches, and is a measure, we think, much to be deprecated. The working of the Criminal Court for this and Harris counties has, we believe, proved satisfactory, and certainly furnishes a full measure of employment to the judge and the district attorney.

The number of cases before the judge of a civil district court for Galveston in the course of a year would probably exceed the number coming before the judge of any other district in the State. The office, in our opinion, would be a laborious one.

We cannot too earnestly express our own conviction that a resident judge is indispensable to the proper discharge of the civil business of this county. From the nature of commercial business, in very many cases, frequent and prompt relief by the interlocutory order of the judge in chambers must be had, or there will be an utter failure of justice. Respectfully submitted.

W. P. BALLINGER,
C. L. CLEVELAND,
GEO. E. MANN,
P. C. BAKER,
WALTER GRESHAM,
ROBT. G. STREET,
Committee.

Leave being granted, Mr. Rainey offered the following concurrent resolution:

1. *Resolved by the House of Representatives the Senate concurring*, That a joint committee of three on the part of the House, and two on the part of the Senate, be appointed, whose duty it shall be to search out and investigate all cases of bribery, fraud or corruption, which may have occurred since the year 1868, in any part of this State connected with the affairs of legislation, railroads, the judiciary, executive, heads of

departments, education, public buildings and public printing, and if any case or cases of fraud appear from evidence, the facts shall be reported by the committee to each house for its consideration.

2. *Resolved*, That said committee shall sit in some suitable room, in the Capitol of the State, and are hereby empowered to send for persons and papers; administer the necessary oaths, and exercise all functions necessary to compel the attendance of witnesses and require them to testify under the common rules of evidence, and according to the law recently passed by this Legislature, entitled "An act to regulate the testimony of witnesses in cases of bribery.

The resolution was adopted.

The Speaker appointed the following committee thereunder: Messrs. Rainey chairman, Storey and Harris.

Leave being granted, Mr. Manning introduced a bill to provide for the sale of the land granted to the Deaf and Dumb Asylum. Referred to the Committee on Asylums.

Mr. Storey introduced a bill concerning private corporations. Referred to Judiciary Committee No. 2.

Mr. Lawhon introduced a bill to amend sections one and two of an act entitled "An act to incorporate Paine Female Institute," passed August 6, 1856, and to amend section one of "An act to amend section four of an act to incorporate Paine Female Institute," approved May 31, 1873. Referred to the Committee on Education.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined and compared House bill No. 224, "An act to regulate fire and marine insurance companies," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Linn moved to suspend the rules and allow the Committee on Counties and County Boundaries to report.

Mr. Goodwin moved to amend by allowing all committees to report in regular order.

The House refused to suspend the rules.

BUSINESS ON THE SPEAKER'S TABLE.

Senate bill No. 64, amendatory of "An act supplementary to 'An act authorizing the disposition and sale of the University lands,'" approved August 30, 1856, approved November 12, 1866, was taken up, pending the sixth amendment offered by the committee, a substitute therefor by Mr. Kessler and a motion to reject by Mr. German.

Mr. Harrison moved to reject both amendment and substitute.

Mr. Roberts moved the previous question, which was seconded and the main question ordered.

The substitute was rejected.

The amendment was rejected by the following vote:

Yeas—Messrs. Abnar, Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, German, Goodwin, Harrison, Hart, Hayes, Helton, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, McCuiston, McLeary, Middleton, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Rainey, Reeves, Rogers, Rosborough, Sadler, Schmidt, Simpson, Smith of Travis, Stephens, Triplett, Von Biberstein, Watson and Watts—61.

Nays—Messrs. Beck, Brown of Harrison, Freeman, Gellatly, Harris, Henderson of Kendall, Lea, Matthews, Mitchell, Miller, Murphy, Roberts, Sayers, Smith of Grimes, Storey and Swain—16

The seventh amendment by the committee was adopted.

The bill passed to its third reading.

Mr. Smith of Grimes moved to reconsider the vote passing the bill to its third reading.

Mr. Reeves moved to lay the motion on the table, which carried.

Mr. Sayers moved to suspend the rules and put the bill on its third reading. Lost.

Senate bill No. 141 to organize unorganized or disorganized counties within the State of Texas, was read first time and referred to the committee on State Affairs.

Report from committee on State Affairs: *Hon. Guy M. Bryan, Speaker of the House of Representatives:*

Your Committee on State Affairs to whom was referred memorials from the bar of the counties of Palo Pinto, Hood, Kaufman, Tarrant, Lamar, Collin, Navarro, Cooke, Rockwall and Denton counties, praying the Legislature to establish one of the three branches of the Supreme Court of this State at the city of Dallas, have had the same under consideration, and instruct me to report the same back with the recommendation that they be referred to the committee of the whole House.

SAYERS, Chairman.

On motion of Mr. Cochran, the report and accompanying papers were laid on the table.

House bill No. 154, amendatory of an act entitled "An act to organize and incorporate the Marshal (Texas) and Mansfield (Louisiana) Railroad Company," was taken up and read a third time.

On motion of Mr. Kessler, the further consideration of the bill was postponed to Thursday, March 26.

A message from the Senate announced the passage by that body of Senate bill No. 164, to amend section eighteen of an act en-

titled "An act concerning proceedings in the district courts," passed March 16, 1848, which took effect August 1, 1848.

House bill No. 266, supplemental to "An act to authorize counties and towns to aid in the construction of railroads and other works of internal improvement," approved April 12, 1871, was read a third time and passed.

House bill No. 358, authorizing the Governor of the State to make cession and title to the United States of submarine sites for light houses and other aids to navigation," was read a second time and ordered engrossed.

House bill No. 224, to regulate fire and marine insurance companies, was read a third time and passed.

The concurrent resolution offered by Mr. Lawhon, providing for the *sine die* adjournment of the Legislature on the first of April, 1874, was read.

Mr. Sayers moved to strike out the word "first" and insert, in lieu thereof "fifteenth."

Mr. Schmidt moved to amend the amendment by adding thereto, "or at such other time as the Legislature may deem proper."

Mr. Watts moved to lay that amendment on the table.

The House refused to table.

The amendment to the amendment was then rejected by the following vote:

Yeas—Mr. Speaker, Abnar, Anderson, Barziza, Beck, Brown of Gregg, Brown of Harrison, Chambliss, Epperson, Freeman, Galvan, Goodwin, Hart, Henderson of Kendall, Jackman, Kessler, Lea, Linn, Matthews, McLeary, Oxsheer, Patrick, Rogers, Roberts, Sadler, Schmidt, Smith of Travis, Swain, Triplett and Von Biberstein.—30.

Nays—Messrs. Bean, Brown of San Saba, Bruce, Cain, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, Gellatly, German, Harris, Harrison, Hayes, Jenkins, Kemble, Lawhon, Manning, Mitchell, Middleton, Miller, Murphy, Nicholson, O'Neal, Patterson, Rainey, Reeves, Rosborough, Sayers, Simpson, Storey, Watson and Watts—38.

Mr. Linn moved to amend by striking out "fifteenth day of April," and insert "first day of May."

Mr. Stephens moved to lay the resolution and amendments on the table. Lost.

Mr. Swain moved to postpone the whole matter to the first day of April, which carried.

Mr. Simpson offered the following resolution:

Resolved, That henceforth this House meet upon Monday, Wednesday and Friday nights at 7:30 o'clock for the transaction of business.

Mr. Goodwin offered the following substitute therefor:

Resolved, That hereafter the House of Representatives shall hold two sessions each day, as follows: A morning session, to commence at 9 A. M., and an evening session commencing at 3 P. M.

The resolution and substitute were laid over under the rules.

Mr. Jackman offered the following resolution:

Resolved, That from and after this hour no member shall address this House more than five minutes on any question during the present session, except by the unanimous consent of the House.

Laid over under the rules.

Mr. O'Neal offered the following concurrent resolution:

WHEREAS, The Senate has declined to act upon the original resolution offered by Mr. Rainey, of Houston county, with amendments offered by Mr. Stewart, of Falls county, passed by the House by a majority of fourteen, on the sixth instant, calling a constitutional convention; and

Whereas, The Senate, with a view to frame amendments to the State Constitution, did, on the seventeenth instant, pass a concurrent resolution referring the same to the Joint Committee on Constitutional Amendments; and

Whereas, The same was concurred in and passed by the House on the day and date above mentioned.

Be it resolved, the Senate concurring, That the Committee on Constitutional Amendments take no action whatever upon the question of amending the State Constitution, for this, that the session of the Legislature, beginning January, 1875, could propose amendments to the Constitution in time for a thorough canvass and due consideration of the people before the next general election for Representatives, before which time the proposed amendments could not be acted upon by the people; and having full confidence in the wisdom and patriotism of the people, this question so vitally important in its nature and so thoroughly involving principles of popular government, be referred back to the people, that they may in their sovereign power and right declare according to their own best judgment, whether or not it is their will to call a constitutional convention concerning this great question to be yet within the control of the people, as in duty bound we return to the original source of popular government and true democracy, in a living spirit of freemen that right which we hold to be sacred to them.

H. F. O'NEAL,

JAMES B. SIMPSON.

Mr. Swain moved to table the resolution. No quorum voting.

On motion of Mr. Roberts, the House adjourned to 9 A. M., to-morrow.

FIFTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, {
AUSTIN, March 24, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Messrs. Barziza, McCuiston, Stewart of Montgomery and Swain.

On motion of Mr. Jenkins, Mr. Swain was granted leave of absence for ten days, on account of serious illness in his family.

On motion of Mr. Nicholson, Mr. McCuiston was excused for the day, on account of sickness.

The journal of yesterday was read and adopted.

The chief clerk was instructed to announce to the Senate that the House of Representatives was ready to receive them in joint session, on hearing of the causes set forth in the address for the removal of Hon. L. W. Cooper, judge of the Third Judicial District.

The Senate was announced and received.

The Speaker announced that the two Houses were in joint session, on hearing of the causes set forth in the address for the removal of Hon. L. W. Cooper, judge of the Third Judicial district, and asked if the managers of the case, on the part of the Legislature, had any announcements to make.

Mr. Linn, on behalf of the Committee of Managers, replied that the managers were ready, and that Messrs. D. E. Shepherd and D. H. Nunn would represent the State, and Col. T. J. Word and the respondent himself would appear for Judge Cooper.

D. E. Shepherd, Esq., then addressed the two Houses.

At the expiration of his remarks, the respondent, Judge L. W. Cooper, then addressed the joint session.

At conclusion of Judge Cooper's remarks, on motion of Senator Westfall, the Senate retired to its chamber.

Mr. Story presented the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 358, "An act authorizing the Governor of the State to make cession and title to the United

States of submarine sites for lighthouses and other aids to navigation," and find the same correctly engrossed.

L. J. STOREY, Chairman.

On motion of Mr. Lea, the House adjourned to three o'clock P. M.

EVENING SESSION.

House met. Roll called; quorum present.

Absent—Mr. Schmidt.

The Speaker submitted the following communication, which was read and ordered spread upon the journal:

DEPARTMENT OF STATE, }
AUSTIN, March 24, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

I have the honor to inform you that the Board of Public Printing has this day contracted with Jno. D. Elliott, of the city of Austin, to do the current public printing for the two Houses of the Legislature of the State of Texas, now in session, and such other printing as may be required by the Board of Public Printing.

Very respectfully,

A. W. DEBERRY, Secretary of State.

The chief clerk was instructed to announce to the Senate that the House was ready to receive them in joint session.

The Senate was announced and received.

The Speaker having given notice to counsel to proceed, Col. T. J. Word, for the respondent, requested that Judge Cooper might be allowed to make some explanations, which had been omitted in his address during the morning session.

The request was granted, and the respondent proceeded with his explanatory remarks, at the close of which, Col. T. J. Word addressed the joint session.

He was followed by Mr. D. H. Nunn for the State, pending whose address, on motion of Mr. Smith, of Grimes, the joint session adjourned to 9 o'clock A. M. to-morrow.

* FIFTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 25, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

The journal of yesterday was read and adopted.

By leave, Mr. Storey offered the following resolution:

Resolved, That the following measures shall have precedence over all other business in this House until the same are disposed of, viz: The tax bill, general appropriation bill, the amendments to the school law, frontier bill, cases of address for removal of district judges, finance bill and amendments to the constitution.

Resolved, 2. That the committee before which any of said bills are pending, are hereby directed to consider and report upon the same at the earliest possible moment, to the end that this Legislature may adjourn at an early day.

Mr. Storey moved to suspend the rules and put the resolution upon adoption. Lost. The resolution laid over under the rules.

On motion of Mr. Sayers, the resolution providing for two daily sessions, one at 9 A. M. and the other at 7:30 P. M. was taken up, pending the substitute to strike out 7:30 and insert in lieu thereof 3 P. M. The substitute was adopted.

The chief clerk was instructed to inform the Senate that the House of Representatives was ready to receive them in joint session on hearing of the causes set forth in the address for the removal of Hon. L. W. Cooper, Judge of the Third Judicial District.

By leave, Mr. Foote introduced a bill to prevent certain State officers from receiving or using free passes from any railroad in this State. Referred to Judiciary Committee No. 1; also, a bill to authorize the State Superintendent of Public Instruction to subscribe for the "Texas Journal of Education" for the benefit of the different boards of school trustees in the State. Referred to the Committee on Education.

On motion of Mr. Jackman, the resolution offered by himself, limiting speaking hereafter to five minutes upon any subject, except by unanimous consent of the House was taken up.

Mr. McLeary moved to strike out the word "unanimous." Carried.

Mr. Scott offered the following amendment thereto: Provided, however, that this resolution shall not operate as a gag on any other member of this House than the gentleman from Hays.

Mr. Pickett moved to amend the resolution by striking out "five," and inserting in lieu thereof "ten."

On motion of Mr. O'Neal, the resolution and amendments were laid on the table.

On motion of Mr. Nicholson, Mr. McCuiston was excused for the day on account of sickness.

By leave, Mr. Cochran introduced a bill regulating the incorporation of cities of five thousand inhabitants or over, and to provide for the substitution and repeal of all acts heretofore passed, incorporating said cities which may be in force by virtue of any existing charter. Referred to the Committee on Towns and City Corporations; also a bill to incorporate the Merchants' and Planters Bank. Referred to the Committee on State Affairs.

Mr. Murphy introduced a bill to regulate the election of aldermen in incorporated cities in this State. Referred to the Committee on Towns and City Corporations.

Mr. Pickett introduced a bill to validate the sale of town lots in Decatur, the county seat of Wise county. Referred to Judiciary Committee No. 2.

Leave being granted, Mr. Chambliss presented the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Asylums, to whom was referred House bill No. 387, "An act to provide for the sale of the lands granted to the Deaf and Dumb Asylum," have had the same under consideration, and instruct me to report the same back with the recommendation that it do pass with the accompanying amendments.

CHAMBLISS, Chairman.

Amend by inserting after the words "Deaf and Dumb" wherever they occur, the words "Lunatic and Blind Asylums;" amend by adding to section three the words "provided further," that none of said lands shall be sold for a less price than one dollar and fifty cents; and also, amend same section by inserting after the word "acre" in

line seven, the words "and also to which Asylum said section or part of section belongs."

On motion of Mr. McLeary, the bill was laid on the table subject to call, and one hundred copies of the bill and amendments were ordered printed.

Mr. Barziza introduced a joint resolution authorizing and directing the Secretary of State to purchase one hundred and thirty copies of Sayles' Constitution, and making an appropriation therefor. Referred to the Committee on State Affairs; also, a bill concerning bonds of revenue officers. Referred to Judiciary Committee No. 2; also, presented a petition of I. S. Roberts, of Harris county, for relief. Referred to the Committee on Private Land Claims.

Mr. Simpson introduced a bill to add additional counties to the second judicial district, and to prescribe the times of holding courts in said district. Referred to Judiciary Committee No. 1.

Mr. Epperson introduced a bill to repeal section three of "An act prescribing the mode of proceeding in district courts in matters of probate. Referred to Judiciary Committee No. 2.

On motion of Mr. DeMorse, Mr. Kemble was added to the Committee on Printing and Contingent Expenses.

Mr. Galvan offered the following resolution:

Resolved, That the bust of Gen. Sam Houston which was removed from the clerk's desk be returned thereto, and remain during the session or sessions of the Fourteenth Legislature. Adopted.

Mr. McLeary presented a petition from citizens of Bexar county, protesting against the formation of Benton county. Referred to the Committee on Counties and County Boundaries.

Mr. German introduced a bill to amend sections one and eight of an act entitled "An act regulating elections," approved March 31, 1873. Referred to the Committee on State Affairs.

Mr. Storey introduced a bill to prohibit the sale of intoxicating liquors within five miles of Prairie Lea Academy, with accompanying petition relative thereto. Referred to the Committee on Education.

Mr. Freeman presented a petition from citizens of Waller county, asking that that county be attached to the Twenty-ninth Judicial District. Referred to Judiciary Committee No. 2.

Mr. Hart presented a petition from the citizens of Granberry, Hood county, for the repeal of the act incorporating the town of Granberry. Referred to the Committee on Towns and City Corporations.

The Speaker submitted the following communication, which was read and referred to His Excellency the Governor.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

SIR—I have the honor to offer my resignation as a Representative from the Third Senatorial District, said resignation to take effect on the fifteenth day of April, 1874.

Respectfully,

FRANK RAINEY.

Austin, Texas, March 25, 1874.

The Senate was announced and received. The Speaker having requested counsel to proceed, Mr. Nunn resumed his address. His time having expired, on motion of Mr. DeMorse, thirty minutes additional time was granted him.

Having closed his argument, on motion of Mr. Triplett, leave was granted the respondent to make an explanatory reply to the last argument of counsel for the prosecution, at the close of which, on motion of Mr. Brown, of Gregg, leave was granted Mr. Rainey to make a statement, which he did.

Leave having been granted, on motion of Mr. Storey, Mr. Denman made a statement relative to his testimony in the pending case.

Senator Westfall moved that the respondent have thirty minutes in which to reply.

Mr. Storey moved to amend by adding, and that ten minutes be allowed the counsel for the State to re-reply. The motion thus amended, carried.

T. J. Word, Esq., replied for the respondent.

At the close of his remarks, Mr. Nunn again addressed the joint session for the time allotted.

On motion of Senator Stirman, the Senate retired to its chamber.

Mr. Storey moved that the House proceed to take the vote.

On motion of Mr. Lea, a call of the House was ordered and made.

Absent—Messrs. Kemble, Kessler, Linn and Smith, of Grimes.

The Sergeant-at-arms was dispatched for the absentees. The absentees having been announced, the call was suspended. The motion of Mr. Storey was then put and carried.

The Speaker put the question: "Is the cause, or are the causes sufficient to vote the address of removal of Hon. L. W. Cooper, Judge of the Third Judicial District?" upon which the vote stood as follows:

YEAS—Mr. Speaker, Anderson, Bean, Brown, of Gregg, Brown, of San Saba, Cain, Cardis, Chambliss, Cochran, Denman, DeMorse, Easley, Farrar, Gellatly, Goodwin, Hayes, Jackman, Jenkins, Lea, Linn, Massey, Matthews, Miller, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Rogers, Simpson, Smith, of Travis, Smith, of Grimes, Stephens, Story, Stewart, of Montgomery, Watson, Watts—39.

NAYS—Messrs. Abner, Barziza, Beck, Brown, of Harrison, Bruce, Delany, Donald, Douglass, Eastland, Edwards, Epperson, Foote, Freeman, Galvan, German, Harris, Harrison, Hart, Helton, Henderson, of Kendall, Johnson, Kemble, Kessler, Lawhorn, Lindsey, Manning, Mitchell, McLeary, Middleton, Murphy, Nicholson, Reeves, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Triplett, Von Biberstein—40.

The Speaker announced that the address had not been voted.

Mr. Farrar presented the following communication:

To the House of Representatives:

On Monday afternoon, after the Journals had been sent to the "Statesman" office for publication, they were withdrawn too late to permit the proprietors of the Statesman to secure even a synopsis of the proceedings. Not anticipating or being informed of the decision of the printing board, they were left without the means of even presenting a synopsis of the proceedings of Monday, in their issue of Tuesday. However, a competent reporter for the Statesman will hereafter be always on hand to prepare not only a synopsis of the proceedings, but also reports of important discussions and speeches. The omission to publish any proceedings on Tuesday morning, we hope is explained to the satisfaction of those who have appeared to misunderstand the matter. Respectfully,

CARDWELL & WALKER,
Proprietors Democratic Statesman.

The following communication was read and ordered spread upon the journal.

SENATE CHAMBER, }
March 23, 1874. }

Hon. W. B. Sayers :

At a meeting of the Senate Committee on Constitutional Amendments, the following sub-committees were appointed to act with a like committee of the Hon. House of Representatives, to-wit:

On Bill of Rights—Bradshaw.

On Judiciary Department—Ireland and Ball.

On Legislative Department—Culberson and Bradley.

On Executive Department—Dillard and Joseph.

On General Provisions—Camp.

All of which I am directed to notify your honorable committee.

Very respectfully,

J. C. CAMP, Chairman.

On motion of Mr. Lea, the House adjourned.

EVENING SESSION.

House met. Roll called ; quorum present.

Absent—Messrs. Bean and Sadler.

Mr. Goodwin moved to excuse Mr. Sadler for the evening, which carried.

Mr. Murphy moved to suspend the rules and allow committees to report, the subject matter of said reports to lie on the table to be taken up in regular order. The House refused to suspend the rules.

The special order for the morning, Senate bill No. 30, concerning landlords and tenants, was taken up.

On motion of Mr. Simpson, the House proceeded to consider the bill by sections.

Mr. Kessler moved to postpone the bill until April 1, at 11 A. M., and that one hundred copies be printed.

Mr. Manning moved to lay the motion on the table. Lost.

Mr. Miller moved to strike out of the caption of the words "landlord and tenant" and insert in lieu thereof "rents and advances."

The motion to postpone and print was put and carried.

House bill No. 252, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners,

and to provide for the liquidation and settlement of all arrearages due said veterans under an act of thirteenth of August, 1870, previous to the first of January, 1874, was taken up, being deferred special order, pending amendments by the Committee on State Affairs.

(Mr. Harrison in the chair.)

The second amendment was adopted.

Mr. Storey moved to amend section one by inserting in line six after the word "prisoners" the words "and the survivors of Deaf Smith's Spy Company." Adopted.

Mr. McLeary moved to amend section one by striking out of line eleven "January" and inserting in lieu thereof "July." Adopted.

The section was then adopted.

Mr. Storey moved to amend the amendment to the third section, by adding thereto "and the survivors of Deaf Smith's Spy Company." Carried.

The amendment and section as amended, were adopted *seriatim*.

Mr. Storey moved to amend the amendment to section four by adding thereto "and the survivors of Deaf Smith's Spy Company." Carried.

The amendment thus amended was adopted, and the section adopted.

Mr. McLeary moved to amend section five by striking out "January" wherever it occurs, and inserting in lieu thereof "July." Carried. The section was then adopted.

On motion of Mr. Murphy, the words "January, 1874," were stricken out wherever they occur in the bill, and "July, 1874," inserted in lieu thereof. Section six was then adopted.

Section seven was then adopted.

Mr. Lawhon offered the following substitute for section eight: "When any person has died, or may hereafter die, before the receipt of any pension due him under this act, the same shall be paid to his surviving wife, if he left one, but if not, then to his surviving children, if any." The substitute was adopted.

Mr. Story moved to reconsider the vote adopting the substitute. Lost.

The section was then adopted.

Section nine was then adopted. Sections ten, eleven, twelve and thirteen were adopted *seriatim*.

Mr. Kessler moved to reject the amendment by the committee, to section fourteen. The House refused to reject. The amendment was adopted. The section was adopted. Section fifteen was adopted.

Mr. Simpson offered the following substitute for section eight: "When any person has died, or may hereafter die before the receipt of any pension, due him under this act, the amount due at the time of the death of the pensioner, shall be paid to his surviving wife, if he has left one, and if not, then to his surviving descendants, if any there be." Adopted. The section was then adopted.

Mr. Triplett offered the following amendment to section fourteen: After the last line add "that the bonds herein provided for shall be exempt from attachment, garnishment and forced sale so long as they remain in the hands of the original owners." Adopted.

The section thus amended, was adopted.

Mr. Sayers offered the following as an additional section: "Section five, that the sum of five hundred dollars, or so much thereof as may be necessary, be, and is hereby, appropriated out of any money in the treasury, not otherwise appropriated, to pay the expense of preparing said bonds. Adopted.

Mr. Rogers moved to amend section four by striking out line twenty-nine and the five first words in line thirty, and inserting the words "the military service;" also, strike out the two last words in line thirty-seven and the four first words in line thirty-eight."

Mr. Rogers moved to adjourn. Lost.

Mr. Rogers withdrew his amendment.

Mr. Triplett moved to amend section six, by inserting after the word "certificate," in line seven, the words "or when no application has been made prior to the first day of July, 1874, by any person entitled to receive the same under this act." The amendment was adopted.

Mr. Triplett offered the following amendment to section six: Line eight, after the word "supply," insert the words "or furnish." Adopted.

The section was adopted.

The bill was then ordered engrossed.

On motion of Mr. Smith, of Grimes, the House adjourned.

SIXTIETH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 26, 1874. }

House met. Prayer by chaplain. Roll called ; quorum present.

Absent—Messrs. Delany, Hayes and Henderson, of Kendall.

On motion of Mr. Smith, of Travis, Mr. Brown, of San Saba, was excused for one week from to-morrow, on account of sickness in his family.

On motion of Mr. Sadler, Mr. Helton was granted leave of absence for ten days, beginning on Saturday next, on account of important business.

On motion of Mr. Galvan, Mr. Henderson, of Kendall, was excused for the day on account of sickness.

On motion of Mr. McLeary, Mr. Barziza was granted leave of absence for three days.

On motion of Mr. Goodwin, Mr. Delany was excused for the day on account of sickness.

The journal of yesterday was read and adopted.

Mr. Johnson moved a reconsideration of the vote taken on yesterday on the address for the removal of Hon. L. W. Cooper, Judge of the Third Judicial District.

Mr. Mitchell moved to lay that motion on the table. The House refused to table by the following vote :

YEAS—Messrs. Abner, Barziza, Beck, Brown, of Harrison, Chambliss, Epperson, Foote, Freeman, Galvan, Harris, Hart, Kessler, Manning, Mitchell, McLeary, Murphy, Roberts, Schmidt, Stephens, Stewart, of Montgomery, Von Biberstein—21.

NAYS—Mr. Speaker, Anderson, Bean, Brown, of Gregg, Brown, of San Saba, Bruce, Cain, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Gellatly, German, Goodwin, Harrison, Helton, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lea, Lindsey, Linn, Massey, Matthews, McCuiston, Middleton, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Sadler, Sayers, Simpson, Smith, of Travis, Smith, of Grimes, Story, Triplett, Watson, Watts, Wortham—55.

The House refused to reconsider by the following vote :

YEAS—Messrs. Bean, Brown, of San Saba, Cain, Cardis, Cochran, Denman, DeMorse, Easley, Eastland, Farrar, German, Jenkins, Lea, Linn, Matthews, Miller, Nicholson, O'Neal, Patrick, Patterson, Pickett, Price, Rainey, Rogers, Simpson, Smith, of Travis, Story, Watson, Watts, Wortham—30.

NAYS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown, of Harrison, Bruce, Chambliss, Donald, Douglass, Edwards, Epperson, Foote, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Hart, Helton, Jackman, Johnson, Kemble, Kessler, Lawhon, Lindsey, Manning, Massey, Mitchell, McLeary, Middleton, Oxsheer, Reeves, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Smith, of Grimes, Stephens, Stewart, of Montgomery, Triplett, Von Biberstein, Walker—46.

On motion of Mr. Sayers, Mr. McCuiston was excused from voting, not having been present during the consideration of the address.

On motion of Mr. Smith, of Grimes, Mr. Meissner was excused from voting for the same reason.

UNFINISHED BUSINESS.

The resolution offered by Mr. Storey, giving precedence to certain bills, etc., was taken up.

Mr. O'Neal moved to lay the resolution on the table, which carried.

The resolution offered by Mr. O'Neal relative to a Constitutional Convention was taken up. The House refused to adopt the resolution.

House bill No. 358 to authorize the Governor of the State to make cession and title to the United States of submarine sites for lighthouses and other aids to navigation, was read third time and passed.

Senate bill No. 64, amendatory of an act supplementary to "an act authorizing the disposition and sale of the University Lands," approved August 30, 1856, approved November 12, 1866, was read third time and passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Bean, Beck, Brown, of Gregg, Brown, of Harrison, Cain, Chambliss, Cochran, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, Freeman, Galvan, German, Goodwin, Harrison, Hart, Helton, Jackman, Jenkins, Johnson, Kemble,

Kessler, Lawhon, Lindsey, Linn, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Sadler, Sayers, Scott, Simpson, Smith of Travis, Stephens, Triplett, Von Biberstein, Watson, Wortham—58.

NAYS—Messrs. Gellatly, Lea, Matthews, Roberts, Smith of Grimes, Story—6.

A message from the Senate announced the passage by that body of House bill No. 151, making appropriations to pay costs due sheriffs, clerks, and attorneys in felony cases in district courts, for 1873 and previous years; to pay the fees of justices of the peace and other peace officers in criminal prosecutions for 1872, and previous years; and to pay justices of the peace for assessing the taxes for 1873, with amendments by the Senate. The bill just received was taken up, pending the following amendment by the Senate:

Provided, That all claims for services rendered prior to January fifteen, 1874, shall be paid out of money arising from the sale of bonds, as provided by an act entitled "An act to authorize the Governor to sell certain bonds of the State, to settle the indebtedness of the State with Williams and Guion," approved March 4, 1874.

The House concurred in the Senate amendment.

House bill No. 185, to amend sections two, eight, twelve and fifteen of an act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870, was taken up, pending a motion to reconsider the vote ordering the bill engrossed.

(Mr. Cochran in the chair.)

The House refused to reconsider.

(Mr. Speaker in the chair.)

On motion of Mr. Smith of Grimes, the bill was considered engrossed, read third time, and passed.

House bill No. 208, to authorize the commissioners of the Agricultural and Mechanical College of Texas to collect by suit or otherwise certain notes therein mentioned, was read and referred to Judiciary Committee No. 2.

Senate bill No. 164, to amend section eighteen of an act entitled "An act concerning proceedings in the district

courts," passed March 16, 1848, which took effect August 1, 1848, was read first time and referred to Judiciary Committee No. 2.

House bill No. 189, to amend section one of an act to authorize the police court of Collin county to levy and collect a special tax for the purpose of building a courthouse and jail in said county, was read second time and ordered engrossed. On motion of Mr. Reeves, the rules were suspended, the bill was read third time, and passed.

House bill No. 154, amendatory of an act entitled "An Act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railroad Company," was read third time, and passed.

House bill No. 155, "An Act to enable the county courts of this State to provide manual labor poor houses and farms, and regulate the control and management of the same, as provided by section twenty-six, article twelve, of the State Constitution," was taken up. On motion of Mr. Douglass, the House proceeded to consider the bill by sections. Section one was adopted.

Mr. Miller moved to amend section .. by striking out of line two the word 'shall' and inserting in lieu thereof 'may.' Carried: The section was adopted.

Mr. Miller moved to substitute 'may' for 'shall' in section three, line eight, which was carried, and the section thus amended was adopted.

Section four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen were adopted *seriatim*. The House refused to adopt section fourteen.

Mr. Douglass moved to strike out section fifteen. Lost. On the motion to adopt the section there was no quorum.

Mr. Freeman moved a call of the House.

Mr. O'Neal moved to adjourn, which was carried.

EVENING SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Abner, Brown of Gregg, Schmidt and Walker.

Mr. Cochran asked leave for the Finance Committee to retire on committee business. The request was granted.

On motion of Mr. Stewart of Montgomery, the Committee on the Penitentiary was allowed to sit during the sessions of the House, while on committee business.

House bill No. 155 was resumed; pending section fifteen, the House refused to adopt the pending section.

Mr. Triplett moved to indefinitely postpone the further consideration of the bill, which was carried.

Mr. Rainey moved to call the committee in regular order, which was carried.

A message from the Senate announced the passage, by that body, of House bill No. 128, to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans or other marauding or thieving parties, with amendments by the Senate.

Reports from the Committee on Education :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee of Education, to whom was referred House bills Nos. 187 and 244, have had them under consideration and report them back to the House, and recommend their passage. The passage of House bill No. 187, "An Act to make an appropriation to complete the building of the Agricultural and Mechanical College of Texas," is essential and necessary in order to enable the State to hold the appropriation made by the United States Government, to aid the erection of an Agricultural and Mechanical College in this State. House bill No. 244 provides a general law concerning the issuing of licenses to liquor dealers in certain localities, and will prevent special legislation on this troublesome subject.

RAINEY, Chairman.

Minority Report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

A minority of your Committee on Education, to whom was referred House bill No. . . , for which bill a majority of your committee report a substitute, appropriating forty thousand dollars for the completion of the Agricultural and Mechanical College, out of any money in the Treasury not otherwise appropriated. We find in the act, creating said college, approved April 17, 1871, an appropriation of seventy-five thousand dollars, or so much of the same as may be necessary for the building of said college. From the report of special committee on the same, not even the walls of said building are completed. Taking into con-

sideration the large amount of money expended for the small amount of work completed, and the probability of the passage of the civil rights bill by Congress, together with the financial condition of the State, cause me to dissent from the majority report of your committee.

Respectfully submitted, A. J. NICHOLSON.

The report of the majority was adopted.

The House went into Committee of the Whole upon the bill.

(Mr. Reeves in the chair.)

After discussion, the committee rose and recommended the passage of the bill. The report was adopted, the bill read second time, and ordered engrossed. On motion of Mr. Goodwin, the rules were suspended, the bill was read third time, and passed by the following vote:

YEAS—Mr. Speaker, Anderson, Barziza, Brown of Gregg, Brown of San Saba, Cain, Chambliss, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Gellatly, Goodwin, Harris, Hart, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Linn, Massey, Mitchell, McLeary, Meissner, Middleton, Miller, Murphy, O'Neal, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rosborough, Sadler, Sayers, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Story, Triplett, Von Biberstein, Watson, Wortham—52.

NAYS—Messrs. Abner, Bean, Brown of Harrison, Bruce, Donald, Foote, German, Matthews, McCuiston, Roberts—10.

House bill No. 244, to provide for holding elections in the several school districts in the several counties in this State, in reference to the issuance of licenses to sell spirituous, vinous or malt liquors in such school district, was taken up. The substitute offered by the committee was adopted. On motion of Mr. Kessler, the bill was referred to the Special Committee on the Ohio Liquor Law.

The Committee on Education also reported a bill to amend sections three, eight, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, thirty-three, thirty-five and thirty-seven of "An Act to establish and maintain a system of Public Free Schools in the State of Texas," passed April 30, 1873. On motion of Mr. Triplett, the bill was postponed to April second, eleven A. M., made special order for that hour, and one hundred copies were ordered printed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Education Committee, to whom was referred House joint resolution, concerning the Agricultural and Mechanical College of Texas, report the same back, and recommend that it do pass. They would also state that no action was taken on the memorials and petitions concerning the prohibition of the sale of liquors, because the committee, in their report of March the fifth, recommend the passage of a general law on that subject, and accompany their report with a bill which provides for that purpose.

Respectfully,

FRANK RAINEY.

The report was adopted.

Report from the Committee on Commerce and Manufactures:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures, to whom were referred House bill No. 162, entitled "An Act to relieve manufacturers of taxation in certain cases," and House bill No. 175, entitled "An Act for the encouragement of State manufactures from material produced in the State of Texas," have carefully considered the same, and beg leave to recommend the passage of the accompanying bill as a substitute to both of the aforesaid bills, said substitute being entitled "An Act to encourage manufacturing establishments, and to exempt the structures, machinery and mechanical appliances thereof from taxation for ten years."

BARZIZA, Chairman.

On motion of Mr. Lea, the House adjourned.

SIXTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 27, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Mr. Storey.

On motion of Mr. Freeman, Mr. Mitchell was granted leave of absence from Saturday next to Monday April 6th.

On motion of Mr. Lea, Mr. Beck was granted leave of absence for three days commencing to-morrow.

On motion of Mr. Jackman, Mr. Storey was granted leave of absence for two days.

On motion of Mr. Sadler, Mr. Goodwin was excused until Wednesday next, beginning to-morrow.

Mr. Simpson moved to dispense with the reading of the journal and resume the call of committees, which was carried.

Leave being granted, Mr. Henderson of Kendall, submitted the following report :

COMMITTEE ROOM, }
March 26, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Joint Committee to whom was referred the address against the Hon. Henry Maney, Judge of the Twenty-second Judicial District, have summoned the said Judge Maney, to appear and answer to the charges preferred against him, and he having appeared and answered, they have taken, and had printed the evidence in said case, which is herewith submitted.

We recommend that said cause be set for trial on Monday, the 30th day of March instant, at 10 o'clock A. M., before the Senate and House of Representatives in joint session.

The committee further recommend that Maj. A. M. Jackson be allowed to appear as counsel on the part of the State, and the Hon. G. W. Jones and respondent himself on the part of said respondent.

W. V. HENDERSON, Chairman.
L. S. LAWHON,
H. F. O'NEAL.

The report was adopted.

By leave, Mr. Douglass presented a memorial from S. A. Reavis, relative to the assessment and collection of taxes. Referred to the Joint Committee on Finance.

Leave being granted, Mr. Watts offered the following concurrent resolution :

Resolved, That Senate concurring, that a committee of three on the part of the House and two on the part of the Senate be appointed to examine the bureau of tax rolls in the Comptroller's Department and report at an early day

the result of said examination. The resolution was adopted.

Mr. Denman introduced a bill "To add the counties of Houston and Angelina to the Fourth Judicial District, and prescribing the times of holding the district courts in said district." Referred to the Committee on Counties and County Boundaries.

Mr. Manning introduced a bill "To create the county of Bremond." Referred to the Committee on Counties and County Boundaries.

Leave being granted, Mr. Sadler presented the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee, to whom was referred substitute to House bill No. 350, "An act to re-district the State into convenient judicial districts," have had the same under consideration and recommend that it do not pass, and herewith transmit the opinion of George Clark, Attorney General.

IRA B. SADLER, Chairman.

ATTORNEY GENERAL'S OFFICE, }
Austin, March 23, 1874. }

SIR:—I have the honor to acknowledge the receipt of your communication of the 21st instant, requesting my official opinion, in writing, as to the constitutional authority of the Legislature to reduce the number of judicial districts in the State, and herewith submit the result of my investigations.

The Constitution (Art. V., Sec. 6) provides as follows: "The State shall be divided into convenient judicial districts, for each of which one judge shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of eight years, who shall, after his appointment, reside within the district, and shall hold a court three times a year in each county thereof, at such time and place as may be prescribed by law; *provided*, that at the first general election after the 4th of July, 1876, the question shall be put to the people, whether the mode of election of judges of the Supreme and district courts shall not be returned to?"

An analysis of this section results in these propositions:

1st. That the people, in adopting their organic law, waived the right to designate and prescribe the number of judicial districts, and devolved that duty upon one department of the governmental agency thus created.

2d. That the power and duty of determining the convenience of the people of the State was vested necessarily in the first Legislature to be assembled under the provisions of the Constitution.

3d. That judicial districts are the creation of statute, and subject to full statutory control, unless there is some supervening inhibition in the Constitution.

4th. That while districts are the creations of statute, yet, when brought into being, a judge is provided for each by the Constitution, deriving his appointment and authority from that instrument, and hedged about and protected in the enjoyment of his office and the discharge of its duties by limitations and instructions therein incorporated.

Was it intended that the action of the first Legislature assembling after the adoption of the Constitution, in determining what number of judicial districts were necessary for the convenience of the people of Texas should be final? I am opinion that it was not. There are no express words of limitation in the Constitution to that effect, and it is deemed clearly within the province of each succeeding Legislature to change, alter or modify the constituent elements of districts at pleasure. It can increase the number of judicial districts, whenever, in its judgment, the public interest may so demand; and upon the creation of the new district, the provision of the Constitution above quoted becomes operative, and the appointment of the judge is provided for, who takes position with all the rights, powers, privileges and emoluments of other district judges, and is covered with the same mantle of protection as they. But can the Legislature reduce the the number of judicial districts, and thereby abolish some now in existence? It would seem that the power to increase being conceded, the power to reduce would ensue as a necessary consequence. Ordinarily, this principle is true, and it would obtain in this instance, but for the constitutional provision with reference to the tenure of judges. Upon the creation of a district, a judge is appointed "for a term of eight years." The Constitution provides two modes for his removal, to-wit: by impeachment or address. The one requires a two-thirds vote of the Senate for conviction and removal; the

other a two-thirds vote of both Houses. These two modes being provided, all other modes are excluded. If the Legislature can abolish a district, it can be done by a majority vote only; and if by such abolition, the judge thereof ceases to be judge, his removal is perfected in a mode not pointed out by the Constitution, and possibly, if not probably, by a simple majority vote of both Houses of the Legislature. That it was the intention of the people, in adopting their organic law, to place one co-ordinate department of the government entirely at the mercy of another cannot be entertained. They were careful to divide the powers of the government about to be inaugurated into three co-ordinate *equal* departments, and to make each, as far as practicable, independent of the other. They fixed the terms of their district judges beyond Legislative control, and were careful to designate the salaries they should receive, and to provide that these salaries should not be diminished during their incumbency. If it be competent for each succeeding Legislature to legislate district judges out of office from motives of public utility or convenience, the independence of one branch of the judicial department is at an end. Judges at best are but human; and if their continuance in office is made to depend upon the political victory of their friends, it is not hazarding much to say, that but few will be found to refrain from using every exertion in their power to secure such victory.

The precedents after quoted as establishing the authority of the Legislature to abolish an office when the public interest may so demand, after examination, will be found confined exclusively to *statutory officers*. (See 10 How., 402; 2 Denio, 272; 6 S. & R. 322; 5 W. & S. 418; 2 Sandf. N. Y., 355; 4 Penn. 49; 1 Oregon, 149; 15 Iowa, 538.) But when the Constitution defines the tenure, the mode of appointment or the compensation, the Legislature is precluded from altering either, or from abolishing the office itself. (2 Sand. *supra*, 6 Con. 642; 9 Con. 640; 3 Met. (Ky.) 237; 62 Penn. st., 343; 14 Wis., 163; 23 Ill., 547; 24 Ind., 184.)

The decision in *People vs. Surey*, 6 Con., 642, would seem to be singularly in point. The attempt was made by the Legislature of New York to legislate out of office certain justices of the peace (whose terms of office was fixed by the Constitution at four years, as in ours), by attaching the territory over which they exercised jurisdiction to another

county, and providing for a new election. The Court held that the Legislature, while it might multiply counties *ad infinitum*, and alter and change the boundaries thereof at pleasure, yet it could take no action that would shorten in any way the constitutional term of office of a justice of the peace, either directly or indirectly, by the creation or division of counties; and that the justice, being qualified and commissioned, was entitled to his office, to discharge its duties, and take its emoluments, no matter to what county or municipality his territorial jurisdiction might be attached.

It is sometimes said that the action of Congress, in passing the act of April 29, 1802 (U. S. Statutes at Large, vol. 2, p. 156), repealing the act of February 1, 1801 (U. S. Statutes at Large, vol. 2, page 89), whereby certain circuit and district judges were legislated out of office is a proper precedent, and sufficiently establishes the authority of a State Legislature to take similar action. I do not so understand it. These circuit and district judges were not constitutional officers. They and their courts were mere creatures of statutes, and liable at any time to statutory extinction. Nor do I apprehend that the action of the Legislature of 1866, in legislating out of existence certain district judges, can be invoked as a precedent. All the district judges in 1866 were elected at the same time with the Legislature itself and under the old apportionment, and with the power and duty of the incoming Legislature to change the districts staring them in the face.

That the public interest might be subserved by a re-districting in the number of districts I entertain no doubt. But that the Legislature is at all times the judge of what may be to the public interest, and to give effect to their views, may at any time, either by action, direct or indirect, disregard and annul plain constitutional provisions, is a proposition to which I cannot give my assent. That department of the Government is as much bound by the constitution as any other; and notwithstanding that the safety and interests of the body of the people may in its judgment demand certain measures, yet if the people have failed to confer this power upon it, the direct action of the people must be invoked to cure the evil.

My conclusions are as follows:

1. That it is competent for the Legislature, at any time, to alter the judicial districts, but that it cannot entirely

destroy any district pending the incumbency thereof by a judge constitutionally appointed and acting.

2. That the Legislature cannot, either directly or indirectly, abridge the term of office of a judge, except in the modes prescribed by the Constitution.

3. That the action of a Legislature in re-districting the State, in so far as it attempted to legislate an officer of this character out of existence, by abolition of his district, would be unconstitutional.

Fully impressed with the fallibility of my own judgment, I submit these views with diffidence, but with a fair conviction that they are correct.

I am sir, very respectfully, your ob't serv't,

GEO. CLARK, Attorney General.

To His Excellency, the Governor.

The report was adopted by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Beck, Brown, of Harrison, Bruce, Cain, Cardis, Chambliss, Delany, DeMorse, Donald, Douglass, Easley, Edwards, Foote, Freeman, Galvan, German, Goodwin, Harris, Hart, Helton, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Manning, McCuiston, McLeary, Meissner, Miller, Murphy, Nicholson, O'Neal, Patrick, Patterson, Pickett, Rogers, Roberts, Sadler, Schmidt, Scott, Smith of Travis, Stephens, Stewart of Montgomery, Triplett, Von Biberstein, Walker, Wortham—54.

NAYS—Messrs. Brown of Gregg, Cochran, Denman, Eastland, Epperson, Gellatly, Harrison, Henderson of Smith, Kemble, Linn, Massey, Matthews, Middleton, Oxsheer, Rainey, Rosborough, Sayers, Simpson, Smith of Grimes, Watts—20.

Mr. Cardis introduced a bill to encourage the citizens of El Paso County to irrigate the valley of the Rio Grande, and to grant lands to aid in the same. Read and referred to the Committee on Internal Improvements.

Reports from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully examined House bill No. 252, "An act granting pensions to the surviving veterans of the revolution, which separated Texas from Mexico, including the Santa Fe and Mier pris-

oners; the survivors of the company of Capt. Dawson, who was massacred near San Antonio, in the year 1842; the survivors of those who were captured at the city of San Antonio, in the fall of the year 1842, and taken to the castle of Perote and confined therein, and the survivors of Deaf Smith's Spy Company, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of 13th of August, 1870, previous to the first of July, 1874," and find the same correctly engrossed.

L. C. DEMORSE, for Committee.

COMMITTEE ROOM, }
AUSTIN, March 27, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared the following: House bill No. 187, "An act to make an appropriation to complete the buildings of the Agricultural and Mechanical College of Texas." Also, House bill No. 189, "An act to amend section one of 'an act to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a courthouse and jail in said county,'" and also, House amendments to Senate bill No. 64, "An act amendatory of an act supplementary to 'an act authorizing the disposition and sale of the University lands,'" approved August 30, 1856, approved November 12, 1866, and find each correctly engrossed.

L. C. DEMORSE, for Committee.

UNFINISHED BUSINESS.

House bill No. 402, to encourage manufacturing establishments, and to exempt the structures, machinery and mechanical appliances thereof from taxation for ten years, was taken up, pending the report of the Committee on Commerce and Manufactures. The report of the committee was adopted. The bill having been read, on motion of Mr. Kessler, the bill was postponed to April fourth, 11 A. M., made special order for that hour, and one hundred and twenty copies were ordered printed.

A message from the Senate announced the adoption by that body of the following report of the special committee, to investigate the causes set forth in the address for removal

of Hon. Henry Maney, Judge of the Twenty-second Judiciary District.

Hon. R. B. Hubbard, President of the Senate:

The Joint Committee, to whom was referred the address against the Hon. Henry Maney, Judge of the Twenty-second Judicial District, have summoned the said Judge Maney to appear and answer to the charges against him, and he having appeared and answered, they have taken and had printed the evidence in said case, which is hereby submitted. We recommend that said cause be set for trial, Monday, the thirtieth day of March, at ten o'clock A. M., before the Senate and House of Representatives in joint session.

The Committee further recommend that Maj. A. M. Jackson and Maj. W. M. Walton be allowed to appear as counsel on the part of the State, and the Hon. G. W. Jones, and the respondent himself, on the part of the respondent.

A. BRADSHAW,
L. D. BRADLEY,
J. E. DWYER,

Senate Committee.

The Speaker appointed the following Committee on the part of the House to examine the Bureau of Tax Rolls:—Messrs. Watts, chairman, Stewart, of Montgomery, and Linn.

Report from Committee on Printing and Contingent Expenses:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Printing and Contingent Expenses, to whom was referred House joint resolution No. 21, "making an appropriation for printing reports of departments, for the use of the Fourteenth Legislature," have had the same under consideration and instruct me to report the same back to the House and recommend that it do pass.

WM. A. WORTHAM, Chairman.

The report was adopted, and the House went into Committee of the Whole upon the bill, Mr. Reeves in the chair.

After discussion the committee rose and recommended the passage of the joint resolution. The report was adopted, the joint resolution was read second time and ordered en-

grossed. On motion of Mr. DeMorse, the rules were suspended, the joint resolution read third time and passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Bean, Beck, Brown of Gregg, Bruce, Cain, Cardis, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Epperson, Farrar, Foote, Galvan, Gellatly, Goodwin, Harris, Harrison, Hart, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Middleton, Miller, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Rainey, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Triplett, Von Biberstein, Walker, Watson, Watts, Wortham—71.

NAYS—None.

Report from the Committee on Enrolled Bills: (C)

COMMITTEE ROOM,
Austin, Texas, March 27, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled House bill No. 151, entitled "An act making appropriation to pay costs due sheriffs, clerks and attorneys in felony cases, in district courts for 1873, and previous years ; to pay the fees of justices of the peace and other peace officers in criminal prosecutions for 1872, and previous years ; and to pay justices of the peace for assessing the taxes for 1873," and presented the same to the Governor for his approval, this the twenty-seventh day of March, 1874, at 10 o'clock A.M.

E. D. LINN, Chairman.

Report from the Committee on Federal Relations :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Federal Relations, to whom was referred an appeal in behalf of Louisiana, have had the same under consideration, and I am instructed by the committee

to present the accompanying concurrent resolution to the House, with the recommendation that the same do pass.

Respectfully submitted,

G. R. REEVES, Chairman.

CONCURRENT RESOLUTION.

WHEREAS, An earnest, eloquent, feeling appeal has been made by the unfortunate and distressed citizens of our sister State, Louisiana, through their committee of seventy, to the United States Congress, praying "for the fulfillment of the constitutional guaranty to her of a Republican form of Government," and setting forth their innumerable wrongs and misfortunes, and

Whereas, As the Representatives of a great people, we feel it to be our duty, not only to express our heartfelt sympathy, but to add our prayers to theirs in strongest appeal to the Congress of the United States, to grant a Republican form of Government to unhappy Louisiana. And as a further testimony of the interest we feel in this great matter, since ourselves are so recently disenthralled; be it

Resolved, By the House of Representatives, the Senate concurring, that the Senators from this State in the United States Senate, be, and are hereby instructed, and the Representatives are requested to use every honorable effort, in aiding the intelligent, tax paying citizens of Louisiana, in the Congress, to obtain for themselves, a Republican form of Government, and freedom from the ruinous taxation, imposed by the usurping, so called Kellogg government.

Resolved, further, That the Secretary of State be, and is hereby instructed, to forward to each of the Texas Senators and Representatives, members of the United States Congress, a copy of this resolution.

The concurrent resolution was adopted.

Reports from Committee on Claims and Accounts :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Claims and Accounts, to whom was referred House bill, No. 230, "A bill for the relief of Thos. Goggan & Bro," have carefully examined the same, and a majority of your committee recommend that the word

"three" be stricken out wherever it occurs in the bill, and the word "two" be inserted in lieu thereof, and that the word "eighty" be stricken out wherever it occurs, and the words "thirty-one" be inserted in lieu thereof; and, that the bill thus amended, do pass.

JAMES EASTLAND, Chairman.

Mr. DeMorse moved to amend by adding "one hundred and seventy dollars interest." Lost.

The report of the committee was then adopted.

Mr. Smith, of Grimes, offered as a substitute for the pending bill, a bill providing for the sale of the piano now in the Executive Mansion, to pay the claim of Thos. Goggan & Bro.

On motion of Mr. McLeary, the substitute was laid on the table. The bill having been read second time, Mr. DeMorse moved to amend section one, by striking out the words "sold to the State." The amendment was adopted.

Mr. Miller offered the following amendment: "Strike out "Executive Mansion," and insert in lieu thereof, "Governor Davis."

Mr. Brown, of Harrison, moved to lay the amendment on the table. Lost.

Mr. Mitchell moved to reject the amendment.

Mr. Miller, by consent of the House, withdrew his amendment.

The bill was ordered engrossed by the following vote:

YEAS—Mr. Speaker, Abner, Bean, Beck, Brown, of Harrison, Bruce, Cardis, Chambliss, Delany, DeMorse, Douglass, Eastland, Edwards, Epperson, Freeman, Galvan, Gelatly, Harris, Helton, Henderson, of Kendall, Jackman, Kemble, Lawhon, Lea, Lindsey, Linn, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Patrick, Roberts, Sayers, Simpson, Smith, of Travis, Stephens, Von Biberstein, Walker, Watts.—41.

NAYS—Messrs. Anderson, Brown, of Gregg, Cain, Denman, Donald, Easley, Farrar, Foote, German, Harrison, Hart, Henderson, of Smith, Jenkins, Johnson, Manning, Matthews, McCuiston, Middleton, Nicholson, O'Neal, Oxsheer, Patterson, Pickett, Rainey, Rogers, Rosborough, Schmidt, Smith, of Grimes, Stewart, of Montgomery, Triplett, Watson, Wortham.—32.

The special order being Senate substitute for House bill, No. 6, to ascertain the amount due the teachers of the pub-

lic free schools of this State, for services rendered as teachers, prior to the first day of July, eighteen hundred and seventy-three, and to provide for the payment of the same, was taken up, read and adopted.

On motion of Mr. Sayers, the House proceeded to consider the bill by sections.

Section one having been read, Mr. Pickett moved to amend by inserting after the word "teachers," in line five, the words "and inspectors;" also, same at end of section one.

On motion of Mr. Lea, the amendment was laid on the table.

The section was adopted.

(Mr. Smith, of Grimes, in the chair.)

Mr. German offered the following amendment for section two: and that the sum of four hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of the available school fund in the State Treasury, not otherwise appropriated, to pay the amounts that may be due the teachers of the public free schools throughout the State, for services rendered as teachers, prior to the first day of July, eighteen hundred and seventy-three, claims to be verified and disbursements made as hereinafter provided.

The amendment was adopted. Section two was adopted.

Mr. Watson moved to amend section three, by inserting after the word "teacher," line twenty-nine, the words "or his or her legal representatives." Carried.

Section three was adopted.

Section four was adopted.

Mr. Kessler moved to strike out section five, which carried. Section six was adopted.

Mr. Henderson, of Smith, moved to postpone the further consideration of the bill to March 28th, 3 P. M., and make it special order for that hour.

Mr. Harrison moved to adjourn. Lost. The motion to postpone then carried.

Mr. McLeary presented the following memorial, which was read and ordered spread upon the journal.

IRISH AMERICAN ASSOCIATION, }
San Antonio, Texas, March 21, 1874. }

Be it resolved, That a vote of thanks be and the same is hereby tendered to the House of Representatives of the

State of Texas, for their kind consideration in the adjournment of their Honorable body on the seventeenth of March, 1874, in honor of the Apostle of Ireland.

Attest :

THOMAS A. DWYER,

President Irish-American Association.

JAMES MCSORLEY, Corresponding Secretary.

By leave, Mr. Meissner introduced a bill to add the county of Waller to the Twenty-ninth Judicial District, and prescribing the times of holding the district courts in said district. Read first time and referred to Judiciary Committee, No. 1.

A message from the Senate announced the adoption by that body of the following resolution :

Resolved, That from and after the first day of April, no bill or concurrent or joint resolution shall be introduced or received, except such as do not require the signature of the Governor.

Report from Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House Joint Resolution No. 21, "making an appropriation for printing reports of departments," and find the same correctly engrossed.

L. C. D. MORSE, for Committee.

On motion of Mr. Edwards, the House adjourned.

EVENING SESSION.

House met. Roll called ; quorum present.

The following additional causes for the removal of Hon. S. B. Newcomb, judge of the Twenty-fifth Judicial District, received from the Senate, were read and ordered spread upon the journal :

Additional charges to be embraced in the address against S. B. Newcomb, judge of the Twenty-fifth Judicial District.

First. That heretofore in the year 1871, when and while the said S. B. Newcomb was judge of the Twenty-fifth Judicial District of the State of Texas, and while exercising the duties as such, did institute in the county of El Paso a suit in the favor of Josiah E. Crosby against one George Bulchosky, of forcible entry and detainer, before Joseph

McGriffin, a legal justice of the peace, and did prosecute the same, and while so prosecuting, did say, that unless the justice and the jury trying the said case, decided the same in the favor of said Crosby, that he, the said Newcomb, would appeal said case to his court, and that when so appealed, he would apply the law thereto, or words to that effect; and that when so uttering said words, he, the said Newcomb, was then and there the agent of said Crosby, and the said Crosby was then and there his client.

Second. That the said S. B. Newcomb, while he was judge of the Twenty-fifth Judicial District, in the State of Texas, did, while the matter involved in the case of Simon Hart *vs.* W. W. Mills, was pending before him as judge, demand of the said Simon Hart, that he, the said Hart, should give money, presents, and the whole of his influence toward carrying the election for member of Congress for the Republican party, or in default thereof, he, the said Newcomb, would rule against him, said Hart, in the case aforesaid, and that if he, said Hart, would give such money, presents and influence aforesaid, he, the said Newcomb, would rule in his, said Hart's favor in said case.

Third. That the said S. B. Newcomb, while acting as judge of the Twenty-fifth Judicial District in Texas, on or about the day of, 1871, knowingly, willfully and corruptly, did favor one John Woods, then and there being indicted for an assault with intent to kill and murder; the said John Woods then and there being a notorious negro politician; his said favoritism then and there being shown to said Woods for the purpose of securing the favor of said Woods, and with the intent to secure said favor even though the law was violated and judicial propriety were sacrificed to obtain the object.

Fourth. That the said S. B. Newcomb, while exercising the functions of judge of the Twenty-fifth Judicial District, and while being such judge, did demean himself on the bench in such a way toward the bar, as to bring the practice of law into disrepute and to scandalize the bench.

Fifth. That the said S. B. Newcomb, while being and acting as judge of the Twenty-fifth Judicial District, in the State of Texas, has descended from the high dignity of the bench, and earnestly engaged in the practice of politics, thereby lowering the dignity, honorable character and integrity of the bench, to the level of corrupting practices in local as well as general political contests.

Sixth. That the said S. B. Newcomb, while being judge of the Twenty-fifth Judicial District, in the State of Texas, has been vindictive, tyrannical and partial.

1. Vindictive and tyrannical towards J. A. Zibriskie.
2. Partial toward J. P. Hague.

Seventh. The said S. B. Newcomb was not a citizen of Texas when he was appointed judge, nor when he accepted said office, nor was he a qualified elector in this State.

By reason of all of which, the two Houses of the Legislature say, that said S. B. Newcomb is no longer fit to be judge of the district court in the State of Texas, and do request his removal, by the Governor, therefrom.

On motion of Mr. Delaney, the Finance Committee were allowed to retire.

Mr. Von Biberstein presented a memorial from S. B. Buckley, State Geologist, relative to matters pertaining to his department. Read and referred to the Committee on Finance.

Mr. Lindsey presented a memorial from citizens of Kaufman county, protesting against the dismemberment of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Lee offered the following resolution :

Resolved, That the House of Representatives of the Fourteenth Legislature of the State of Texas, hold but one session each day, to last from 9 A. M. to 1:30 P. M.

Laid over under the rules.

Mr. DeMorse introduced a bill (reported by a Special Committee), "To provide for the sale of the alternate sections of land as surveyed by railroad companies, and set apart for the benefit of the Common School Fund, the same being a substitute for House bill No. 174."

On motion of Mr. DeMorse, the bill was postponed to April 9, 1874, 11 A. M., made special order for that hour, and one hundred copies were ordered printed.

On motion of Mr. Linn, the Committee on Immigration were granted leave to retire on Committee business.

Mr. Cochran presented a petition from citizens of Dallas county, protesting against the extension of the limits of said city. Referred to the Committee on Towns and City Corporations.

Mr. McLeary presented a petition of Wm. Lyons. Referred to the Committee on Claims and Accounts.

Mr. Anderson introduced a bill to incorporate the Hen-

derson and Overton Branch Railway Company. Referred to the Committee on Internal Improvements.

Mr. Douglass presented a petition from citizens of Hill county, for the passage of a law to prohibit the sale or disposition of intoxicating liquors within a radius of one and a half miles of the town of Peoria, in that county. Referred to the Special Committee on Ohio Liquor Law.

Mr. Jenkins asked leave for the Committee on Penitentiaries to retire on Committee business. The House refused.

Mr. McLeary moved to suspend the rules and take up the Frontier bill, which was carried.

Mr. Henderson of Smith county, moved to reconsider the vote suspending the rules, no quorum voting on the question.

Mr. Manning moved a call of the House, which was ordered.

A quorum having been obtained, Mr. Lea moved to suspend the call, which was carried.

Mr. Henderson of Smith county, withdrew the motion to reconsider.

House bill No. 128, "To provide for the protection of the frontier of the State of Texas, against the invasions of hostile Indians, Mexicans, or other marauding or thieving parties," was taken up pending the following amendments by the Senate:

Substitute for Section 2. "That said companies shall be raised from the county and surrounding counties on the frontier, designated by the Governor."

The House adopted the substitute.

Amendment to Section 5. "Amend section five by adding after the last word the following words: 'and that said articles were actually used or consumed by said company.'"

The amendment was adopted.

Substitute for Section 7. "That the commanding officer of each company mustered into service under the provisions of this act, shall forward to the Adjutant General of the State, on the last day of each month, a pay roll, showing the amount due each member of his command; which pay roll shall be certified to by the commanding officer. And it is hereby made the duty of the Comptroller to draw his warrant upon the Treasurer in favor of each officer, non-commissioned officer and private in the command, separately for the amount due each one as set forth in the pay

roll, which warrants shall be forwarded by the Adjutant General to the commanding officer of the company, to be delivered to the men of his command, and said warrants may be paid by the sheriff of the county in which the command was raised or is in service, out of any funds in his hands belonging to the State, and all transfer of warrants by officers or men, shall be certified to before some civil officer authorized to administer oaths, and when so transferred, they shall be payable at the Treasury of the State upon presentation."

The substitute was adopted.

"Strike out Section 8."

The amendment was concurred in.

Amendment to Section 9. "In section nine, line sixteen, at the end of the word 'same' add the words, 'upon the certificate of commanding officer of the company that the facts set forth in said affidavit are true.'"

The amendment was adopted.

Amendment to Section 14. "In section fourteen, line fourteen, strike out the words, 'fourteen pounds hay and'"

The amendment was adopted.

Amendment to Section 16. "Amend section sixteen by striking out all after the word 'captain,' in line second, in said section, and insert as follows, to-wit: (\$100) one hundred dollars; lieutenants, (\$75) seventy-five dollars each; sergeants, (\$50) fifty dollars each; for all other non-commissioned officers (\$40) forty dollars each, and privates, (\$40) forty dollars each per month for every month of actual service.'"

The amendment was adopted.

Additional sections adopted by the Senate:

Section 20. That in addition to the force herein provided for, the Governor be and he is hereby authorized to organize a battalion of mounted men, to consist of four companies of seventy-five men each, to be officered in accordance with the rules and regulations of the army of the United States. The battalion and company officers shall be appointed by the Governor, and shall be removed at his pleasure.

Sec. 21. The pay and allowance of the officers and men of this force shall be the same as now allowed for similar service in the army of the United States, except that no commutations for forage, fuel or quarters shall be allowed.

Sec. 22. The Governor shall appoint a quartermaster and paymaster for this force, who shall discharge all the duties usually imposed on quartermasters and commissaries, as far as may be necessary. The duties of said officers to be regulated by direction of the Governor.

Adopted.

Sec. 23. That the officers and men of this force shall be paid monthly or quarterly, as the Governor may direct.

Sec. 24. That this force is not designed as a standing force, but shall always be under the command of the Governor, to be operated by his direction in such manner, in such detachments and in such localities as the Governor may direct, and the same shall be disbanded, and reorganized, or reassembled, from time to time, as in his judgment the exigencies of the frontier may demand.

Sec. 25. Each soldier and officer shall furnish his own horse and, unless the same is killed in battle, shall not be paid for by the State; *provided*, if from any cause a soldier shall be dismounted, the commanding officer of the company, under direction of the Governor, shall furnish said soldier a horse.

The additional sections were adopted *seriatim*.

Further additional sections:

Sec. 26. The Governor is hereby authorized to keep this force in the field as long as in his judgment there may be a necessity for such force, and soldiers who may volunteer in such service shall do so for such term, not to exceed four years, subject to disbandment and reassemblage by order of the Governor.

The House refused to concur in section twenty-six.

Sec. 27. Whenever, in the opinion of the Governor, this force shall be insufficient to protect the frontier, he shall be authorized to call out the minute men or any part thereof hereinbefore provided for, which said force is hereby declared to be auxiliary and supplemental to the battalion of mounted men, authorized by this act.

Section twenty-seven was concurred in.

Sec. 28. That the Governor of the State is authorized to disband all troops now in service of the State for frontier protection as soon as practicable; and that they be allowed to retain all arms furnished by the State at the same price that the same were furnished the State.

Section twenty-eight was concurred in.

Sec. 29. That an act entitled "An act to provide for the

protection of the frontier," approved June 13, 1870; also, an act entitled "An act to muster into service mounted men for the protection of the frontiers," approved November 25, 1871, also, an act entitled "An act to amend the first section of an act entitled 'an act to muster into service minute men for the protection of the frontiers,'" approved November 25, 1871, approved June 2, 1873; and all other laws and parts of laws heretofore enacted on the same subject be and the same are hereby repealed.

Section twenty-nine was concurred in.

Mr. Johnson moved that the House recede from its concurrence in the House amendments.

Mr. Pickett moved the previous question, which was seconded, and the main question ordered.

The motion to recede was then adopted.

Mr. Mitchell moved to adjourn. Lost.

Mr. Reeves moved to concur in the amendments down to section twenty, which carried.

The House refused to concur in the additional sections.

On motion of Mr. Triplett, the House adjourned.

SIXTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 28, 1874. }

House met. Prayer by Rev. Mr. Philpot. Roll called; quorum present.

Leave being granted, Mr. Chambliss, chairman of the Committee on Asylums, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Asylums beg leave to report that they have made a thorough examination of the general operations and expenditures of the Lunatic Asylum, from October 1st, 1872, to February 10th, 1874, and respectfully call attention to Exhibits 'A' and 'B,' herewith submitted.

We have caused an inventory of all the personal property belonging to the Asylum to be made out, the estimated value of which amounts to twenty-four thousand, one hundred and ninety-nine dollars and eighty-six cents

(\$24,199 86), one half of which is valuable and useful, the rest not being available or of use to the institution.

As no accurate accounts were kept of receipts and disbursements it was only after an exhaustive research that we are enabled to reach the following results, viz :

Receipts, one hundred and sixty thousand, five hundred and twelve dollars and five cents, (\$160,512 05). Disbursements, one hundred and fifty-five thousand, three hundred and twenty-nine dollars and fifty-six cents, (\$155,329 56). In the amount of receipts is included the amount on hand October 1, 1872, viz: one thousand three hundred and eighty-seven dollars and seventy-seven cents, (\$1,387 77).

The average number of patients in the Asylum for the year, was one hundred and ten (110). The *known* outstanding indebtedness being eight thousand, seven hundred and twenty-three dollars and thirty-four cents, added to the amount actually disbursed for the support of the institution, gives the cost for the period of sixteen and one-third ($16\frac{1}{3}$) months, from October 1, 1872, to February 10, 1874, viz: one hundred and sixty-four thousand and fifty-two dollars and ninety cents (\$164,052 90), showing an actual cost per annum for each patient, of one thousand and ninety-six dollars and thirty cents (\$1,096 30), or ninety-one dollars and thirty-five cents (\$91 35) per month.

The gross extravagance which marked the management of the financial affairs of this institution becoming notorious, the Board of Managers were at length induced, after having exhausted all the appropriations for the support of the Asylum, to pass a resolution of Retrenchment and Reform, (which was spread upon the records), instructing the Superintendent to discharge all supernumeraries, and increase the bond of the Steward, and at the same time authorized the purchase of an ambulance and pair of mules, (worth five hundred dollars) for which nine hundred and eighty-nine (\$989 00) dollars was paid to a son of Judge M. B. Walker, member of the Board, out of the appropriation for additional buildings.

This purchase we consider of no benefit to the inmates of the Asylum, and believe that Judge Walker was the owner thereof, and the sole beneficiary by said sale.

We find also that five thousand, three hundred dollars (\$5,300) purports to have been paid to a certain Voss & Co. for the erection of an additional stable and fence, when the

whole could have been constructed for about fifteen hundred dollars (\$1500.)

In our opinion the building was unnecessary and its construction procured through the instrumentality of W. H. Green, Steward of the Asylum, in collusion with James P. Newcomb and Judge Walker, members of the Board, for the purpose of swindling the State.

We have proof that the Steward was a partner of Voss & Co., the firm name being but a blind for his operations.

We also find that over two hundred (\$200) dollars have been expended for *fancy chickens*, all of which are valueless for the poor demented.

Among other items, (their name is legion), are cigar bills for one hundred and fifty (\$150) dollars and upwards, bills for casks of brandies, cases of imported wines, carriage hire, livery stable bills, etc., etc., *ad infinitum*. From the vouchers, so called, supporting these expenditures, we have turned over to the Attorney General of the State, for such action as he may deem advisable, accounts amounting to over sixteen thousand (\$16,000) dollars, of which over ten thousand (\$10,000) dollars are either fraudulent receipts and forgeries, or, at least, have a very suspicious aspect.

Fortunate it is that the bonds of certain officers of this institution have good and sufficient bondsmen thereon, who can indemnify the State for losses sustained through the malfeasance of its agents. An example will be made that shall in future deter conspiracies against the State. The blind goddess, meeting out evenhanded justice, shall yet right all radical wrong.

The State has undoubtedly lost upwards of fifty thousand (\$50,000) dollars, by the collusion of the Steward of the Asylum, who is the purchasing agent, with merchants and others, bills of goods purchased being overcharged, and receipts for money paid being given, for which no goods were ever delivered. In one bill alone, amounting to over fifteen thousand (\$15,000) dollars, appears a deficiency of one thousand, nine hundred and eighty-seven dollars and sixty-four cents (\$1987 64) for goods invoiced the Asylum which were not delivered, and we have ascertained that a portion of these were carried to the residence of W. H. Green, and appropriated to his own use and benefit.

We find that the employees of the Asylum have not been paid since September first, though for each and every month

subsequent thereto pay rolls, fraudulently signed, were filed in the Comptroller's office, and warrants drawn thereon. In several instances warrants thus drawn were hypothecated with bankers and brokers, and money borrowed thereon at the rate of thirty (30) per cent. per annum, which was used to pay the *officers* of the institution, leaving, as will be seen by reference to Exhibit 'B,' over four thousand (\$4000) dollars still due the employees.

In this connection we would state that Dr. Richard Bibb, the assistant physician, who has been retained, and who has rendered us valuable assistance, has still due him, up to February tenth, 1874, the sum of four hundred and forty-four dollars and forty-four cents (\$444 44), balance due him upon his salary, which was fixed by the by-laws at two thousand (\$2,000) dollars per annum, and would recommend the payment of the same from the deficiency appropriation to be hereafter made.

By consulting the records, we find that although there appears no evidence of any regular meeting of the board of managers from July twenty-eighth until October twentieth, 1873, bills and accounts for which there is no evidence of indebtedness were approved by different members of the board, and moneys wrongfully and irregularly paid out.

While about seventy-five thousand (\$75,000) dollars, economically and judiciously expended, should have been sufficient to have supported the institution, it has cost the State over one hundred and sixty-thousand (\$160,000) dollars, and your committee are convinced that upwards of eighty-five thousand (\$85,000) dollars have been squandered by the steward and treasurer, in collusion with other interested parties.

It is with a feeling of great relief that your committee turn from this subject of wholesale fraud, jobbery, corruption and crime, and call attention to the sole thing in the management of the affairs of this institution that has afforded us any gratification, viz: the proper treatment of the insane, the neat state of the grounds, the cleanliness of the buildings, and the general excellent sanitary condition of the whole establishment. One by-law of the institution has, apparently, not been neglected by the late superintendent, viz: "that nothing is to be considered clean that can be made cleaner."

Skill, humane treatment and rigid enforcement of hygienic laws have had their effect in causing the restoration of over nineteen (19) per cent. of the average population of the asylum to the enjoyment of God-given reason.

Where such results have been obtained, under mismanagement and neglect of duty on the part of other officials, the conviction is forced upon us that, under the supervision and administration of the present superintendent, Dr. D. R. Wallace, far greater improvements cannot but be made; and we deem it cause of congratulation that his Excellency Governor Coke has secured to the asylum the services of such an accomplished scholar and experienced physician.

We would supplement the above report by saying, that since it was written, evidence procured by us in this investigation has been deemed sufficient by the Attorney General to induce him to cause the arrest of the former steward of the asylum, and that he is now under bond for his appearance upon the three following charges, viz: "uttering forged receipts;" "forgery to the amount of \$1,000 00;" "forgery to the amount of \$353 32."

All of which is respectfully submitted.

S. L. CHAMBLISS, Chairman,
WM. A. WORTHAM,
G. A. FOOTE,
J. D. STEPHENS,
IRA B. SADLER,
FELIX E. SMITH.

Having been absent when the testimony was taken about the above matters, I sign this report upon the recommendation of the committee, and with this explanation.

D. U. BARZIZA, of Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Asylums to whom was referred a communication from Dr. D. R. Wallace, Superintendent of the Lunatic Asylum, accompanied with estimates for the amount necessary to support that institution, together with that portion of the Governor's Message, of date sixteenth inst., relative thereto, (all of which are submitted with this report) have had the same under consideration.

As the appropriations for the Lunatic Asylum for the fiscal year ending August 31, 1874, have been exhausted,

and a debt of over ten thousand (\$10,000) dollars incurred prior to the incoming of the present administration, we would recommend that the amount of ten thousand (\$10,000) dollars be appropriated as recommended by His Excellency, the Governor, to pay off indebtedness incurred prior to February 10, 1874.

As has been shown by us in an exhibit accompanying another report, the known indebtedness, per Ledger and Pay Rolls, was as follows, viz: Due merchants, etc., \$4,650 52; due employees, \$4,066 82; due Assistant Superintendent, \$444 44. Total \$9,167 78. To which must be added \$3,000, the estimated amount of approved accounts on file in Comptroller's Office, and in hands of creditors, as shown by the Records of Proceedings of Board of Managers.

Though we have every confidence in the patriotism, integrity and business capacity of the present Board of Managers and Superintendent, we must candidly confess we are averse to recommending appropriations, not alone for this fiscal year, but also for the two following years, deeming it better that one should be made for one year only, satisfied that with judicious management the amount granted will be found ample to support the Lunatic Asylum until the next Legislature may make still further appropriations.

We would therefore recommend that in addition to an appropriation of ten thousand (\$10,000) dollars for payment of outstanding indebtedness, there be appropriated *in solido*, and not specifically, for the support of the Lunatic Asylum and pay of its officers and employees for one year from February, 1874, to February, 1875, the sum of sixty thousand (\$60,000) dollars, and for the support of the Blind Asylum and salaries of its officers and employees, the sum of fifteen thousand (\$15,000) dollars, and for the support of the Deaf and Dumb Asylum and pay of its officers and employees, the sum of fifteen thousand (\$15,000) dollars, the two latter appropriations being for the fiscal year commencing September 1, 1874, and ending August 31, 1875. The appropriations to be as follows, viz:

LUNATIC ASYLUM—DEFICIENCIES.

For payment of outstanding indebtedness.....	\$10,000
For salaries and support of Asylum.....	35,000

FOR 1875—FOR FIRST FIVE MONTHS.

For salaries and support of Asylum..... \$25,000

BLIND ASYLUM—FOR 1875.

For salaries and support of Asylum..... \$15,000

DEAF AND DUMB ASYLUM—FOR 1875.

For salaries and support of Asylum..... \$15,000

And we would recommend that the Committee on Appropriations be instructed so to report. All of which is respectfully submitted.

Statement of Receipts and Disbursements at the State Lunatic Asylum, from October 1, 1872, to February 10, 1874.

Balance on hand.....	\$1,387 77
From counties, direct.....	\$18,063 00
Special warrants.....	20,235 44—\$38,298 44
From private patients.....	5,604 69
From general funds—Comptroller.....	106,754 02
From various sources.....	8,467 13
Total.....	\$160,512 05
Disbursements.....	\$155,329 56
* Balance on hand.....	5,182 49
Total.....	\$160,512 05

* This is the balance proper that should be on hand including warrants hypothecated and an advance on pay roll of \$1,094 20.

True balance that should have been on hand February 10, including hypothecated warrants, were the following amounts, viz:

Currency.	Warrants.	Total.
\$2,242 31.....	\$2,940 18.....	\$5,182 49

Deduct from this the amount of advance upon pay rolls, viz: \$1,094 20, leaving

Currency.	Warrants.	Total.
\$1,148 11.....	\$2,940 18.....	\$4,088 29

Deduct also the amount actually turned over to new treasurer, viz:

Currency.	Warrants.	Total.
* \$120 66.....	\$263 85.....	\$384 51

Leaves still on hand and unaccounted for, viz:

Currency.	Warrants.	Total.
\$1,027 45.....	\$2,676 33.....	\$3,703 78

* Of currency turned over \$60 was counterfeit, and of warrants turned over \$55 52 was a due bill of M. Marx for warrant overpaid him.

This does not include \$259 17 in the hands of the steward unaccounted for,

J. W. WADSWORTH, Accountant.

INVENTORY.

Value of articles turned over February 10, 1874, \$24,199 86

OUTSTANDING INDEBTEDNESS.

Due merchants <i>et al</i>	\$4,656 52
Due employees.....	4,066 82
Total.....	\$8,723 34

DUE THE ASYLUM.

From counties.....	\$13,272 50
From private patients.....	4,007 78
Total.....	\$17,280 28

Average No. of patients during year..... 110

COST FOR EACH PATIENT.

Per annum.....	\$1,096 30
Per month.....	91 35

J. W. WADSWORTH, Accountant.

On motion of Mr. Wortham the reports were adopted and ordered spread upon the journal with accompanying exhibits.

The journal of twenty-sixth inst., was read. Mr. Walker was excused for absence from evening session of that day, on account of sickness. The journal was adopted.

The journal of yesterday was read and adopted.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully examined House bill No. 230, "An act for the relief of Thomas Goggan & Bro.," and find the same correctly engrossed.

L. C. DEMORSE, for Committee.

Mr. Triplett moved to reconsider the vote adopting the report of the Special Committee upon re-districting the State.

Reports from the Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 120, "To create and organize the county of Camp," have had the same under consideration, and Committee instruct me to report bill back and recommend that the same do pass.

BROWN, of Gregg, Chairman.

The report was adopted. The bill was read second time and passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 70, "An act to repeal an act to authorize counties, cities and towns to aid in construction of railroad," have had the same under consideration, and a majority of the Committee instruct me to report the bill back and recommend that the same do pass.

BROWN, of Gregg, Chairman.

Mr. McLeary moved to refer the report and bill to the Judiciary Committee.

(Mr. Cochran in the Chair.)

Mr. Manning moved the previous question which was seconded and the main question ordered. The House refused to refer. The report was adopted by the following vote:

YEAS—Mr. Speaker, Anderson, Bean, Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Farrar, Foote, German, Harris, Harrison, Hart, Jackson, Jenkins, Johnson,

Kemble, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Middleton, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Rogers, Rosborough, Sadler, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stuart of Falls, Triplett, Watson, Watts, Wortham—51.

NAYS—Abner, Brown of Harrison, Cardis, Delany, Epperson, Freeman, Galvan, Gellatly, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Lea, McLeary, Meissner, Murphy, Roberts, Sayers, Schmidt, Walker—20.

Mr. Kessler moved to postpone the further consideration of the bill to April 16, 1874, and that one hundred copies be printed.

Mr. Douglass moved to lay that motion on the table, which was carried by the following vote:

YEAS—Anderson, Bean, Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, Freeman, Gellatly, German, Harris, Hart, Jackman, Jenkins, Johnson, Kemble, Lea, Manning, Massey, Matthews, McCuiston, Middleton, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Price, Rainey, Reeves, Rogers, Rosborough, Sadler, Simpson, Smith, of Travis, Smith of Grimes, Stephens, Stuart, of Falls, Triplett, Watson, Watts, Wortham—51.

NAYS—Abner, Brown of Harrison, Cardis, Epperson, Galvan, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Linn, McLeary, Meissner, Murphy, Roberts, Sayers, Schmidt, Walker—17.

Mr. Bryan offered the following amendment:

“Strike out all that part after the words ‘*provided, however,*’ and insert ‘that no rights heretofore accrued, or are accruing under the provisions of the act hereby repealed shall be effected by this act.’”

The hour for the special order, House bill No. 51, to authorize parties in certain cases to sue in the district courts for headright certificates and bounty and donation warrants, and to provide for the issuing of such certificates, having arrived, Mr. Lea moved to postpone it until the pending bill should be disposed of, upon which the vote was as follows:

YEAS—Messrs. Abner, Anderson, Bean, Brown of Gregg, Bruce, Cain, Cardis, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Farrar, Foote, Harris, Jackman, Jenkins, Johnson, Kemble, Lea, Manning, Massey, Matthews, McCuiston, Meissner, Middleton, Nicholson,

O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rosborough, Sadler, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stuart of Falls, Triplett, Watson, Watts, Wortham—48.

NAYS—Messrs. Brown of Harrison, Chambliss, Epperson, Freeman, Gellatly, Hart, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Lindsey, Linn, McLeary, Murphy, Roberts, Sayers, Schmidt, Von Biberstein, Walker—19.

The special order was declared to have been postponed.

Mr. McLeary, offered the following substitute for the pending amendment:

“Amend by inserting in line two, after the word ‘that,’ the words ‘section sixteen of.’”

Mr. Bryan withdrew his amendment.

Mr. McLeary renewed his amendment as an original amendment to the bill.

Mr. Smith, of Grimes, moved to lay the amendment on the table, which was carried.

Mr. Kessler offered the following amendment:

Provided, that the counties of Comal, Bexar, Kendall, Bandera, Mason, Menard, Atascosa, Edwards, Wilson, Gillespie, Kerr and Kimball shall be exempted out of the provisions of this act, and the said act hereby repealed, shall remain in force as to said counties.

Mr. Triplett moved to adjourn. Lost.

A message from the Senate announced the passage by that body of Senate bill No. 22, to amend an act entitled “An act regulating elections,” approved March 31, 1873, and an act entitled “An act to amend an act regulating elections,” approved April 1, 1873; Senate bill No. 59, to authorize and allow the several county courts in this State to build courthouses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same; Senate bill No. 283, making an appropriation to carry into effect an act entitled “An act authorizing the quarantine on the coast of Texas and elsewhere, within the State,” approved June 10, 1870, and that the Senate refused to concur in the House amendments to Senate bill No. 160, to re-apportion the State of Texas into Congressional Districts; also, of the passage of Senate bill No. 148, to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same; and Senate

bill No. 136, to extend the time for the construction of works of internal improvement.

Mr. Lea moved to postpone temporarily the pending question, and take up the resolution offered by himself, changing the rules of the House. The motion was declared to have been carried.

Mr. Denman moved to adjourn, which was carried.

EVENING SESSION.

House met. Roll called.

There being no quorum present, on motion of Mr. McLeary, the House adjourned to allow committees to meet for the consideration of business before them.

SIXTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 30, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Messrs. Harris and Simpson.

On motion of Mr. Triplett, Mr. Simpson was excused for the day on account of sickness.

Mr. Kemble moved to dispense with the reading of the journal. Lost.

The journal of Saturday was read and adopted.

Mr. Kemble presented the following resolution:

Resolved, By the House of Representatives of the State of Texas, that the Attorney General be requested to advise the Legislature, at his earliest convenience, in writing addressed to the Speaker, as to the relative responsibility of the State and counties thereof in the matter of support and maintenance of lunatics legally consigned to the State Lunatic Asylum, to the end that the Legislature may properly make the necessary appropriations for the State. The resolution was adopted.

Mr. Henderson, of Smith, moved to suspend the rules and take up Senate bill No. 22, "To amend an act entitled 'an act regulating elections,' approved March 31, 1873, and an act to amend 'an act regulating elections,' passed March 31, 1873;" passed April 1, 1873. The motion carried, and the bill was taken up and read first time.

Mr. McLeary moved to refer the bill to Judiciary Committee No. 1. Lost.

On motion of Mr. Henderson, of Smith, the rules were suspended and the bill was read second time.

On motion of Mr. Cochran, the bill was referred to Judiciary Committee No. 2.

Mr. Denman moved to suspend the rules and take up House bill No. 403, "To add the counties of Houston and Angelina to the Fourth Judicial District. The House refused.

On motion of Mr. Kessler, Senate bill No. 148, "To limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," was taken up and referred to the Committee on Internal Improvements.

Mr. Linn presented a petition of citizens of the counties of Victoria, Refugio and Calhoun, "Asking aid in the removal of rafts in the Guadalupe and San Antonio rivers." Referred to the Committee on State Affairs.

Mr. DeMorse introduced a bill relating to sheriffs' bonds. Referred to Judiciary Committee No. 2.

Mr. Epperson introduced a bill "To incorporate the Lake City Railway Company, and to aid in the construction of the railway." Referred to the Committee on Internal Improvements.

Mr. Sayers introduced a bill "Concerning colonization contracts." Referred to Judiciary Committee No. 1. Also, a bill "To create the county of Erskine, and to establish the boundaries thereof." Referred to the Committee on Counties and County Boundaries.

Mr. Storey introduced a bill "To protect the public against nuisances." Referred to the Committee on State Affairs.

Mr. Wortham introduced a bill "Defining the boundary line between Hopkins and Wood counties." Referred to the Committee on Counties and County Boundaries.

Mr. Lawhon presented a petition of W. L. Hunter "For a land certificate in lieu of the grant to Juan Rena." Referred to Judiciary Committee No. 1.

Mr. O'Neal introduced a bill "To annex a portion of Harrison county to the county of Marion." Referred to the Committee on Counties and County Boundaries.

Mr. Galvan presented a petition from the citizens of Atascosa county "Consenting to the formation of Benton

county." Referred to the Committee on Counties and County Boundaries. Also offered the following resolution:

Resolved, That the Committee on Asylums be instructed to take into consideration the admission of colored people to the benefits of the various asylums, and report by bill or otherwise. The resolution was referred to the Committee on Asylums.

A message from the Senate announced that that body refused to concur in the House amendments to Senate bill No. 64, "Amendatory of an act supplementary to 'an act authorizing the disposition and sale of the University lands,' approved August 30, 1856," approved November 12, 1866.

Leave being granted, Mr. German submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Special Committee, to whom was referred that part of the Governor's message, that pertained to petitions, to the Fourteenth Legislature, asking the enactment of a law similar to the Ohio liquor law, and also to whom was referred House bill No. 314, have carefully considered the subject, and after having examined said bill, No. 314, "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas," instruct that said bill be reported back to the House with the following amendments, and its passage recommended as amended: 1. Strike out section five. 2. Strike out all after the word "persons," in line fifteen, section seven, down to the word "and," in line thirty of same section. 3. Strike out all of section ten after the word "paid," in line twelve of said section. 4. Strike out all after the word "sold," in line five of section twelve, to word "and," in line eight of same section.

Respectfully submitted,

J. L. GERMAN, for Committee.

On motion of Mr. Wortham, the bill was postponed to Thursday, April 2, 11 A. M.; made special order for that hour, and one hundred copies were ordered printed.

Mr. Donald offered the following resolution:

Resolved, That the Secretary of State be requested to furnish this House with an official copy of House bill No. 16, "An act to encourage stock raising and for the protec-

tion of stock raisers," for publication, and that five hundred copies thereof be printed for immediate distribution. The resolution was adopted.

Leave being granted, Mr. Meissner submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Special Committee, consisting of Messrs. Harris, Linn and Meissner, to whom was referred a "Resolution, if a vacancy exists in the representation from the Thirteenth Senatorial District," have had the same under consideration, and from the evidence obtained concerning said matter, have become satisfied that a vacancy does exist in the representation from said Senatorial District, occasioned by one of the Representatives elect, I. N. Baughman, not qualifying. Wherefore your committee would respectfully recommend the passage of the accompanying resolution.

Respectfully submitted,

MAX MEISSNER, Chairman.

WHEREAS, A vacancy exists in the representation from the Thirteenth Senatorial District, occasioned by one of the Representatives elect, I. N. Baughman, not qualifying; and it appearing further that the said I. N. Baughman is not a registered voter, does not intend to claim his seat as Representative, and is not a resident of this State at present; therefore, be it

Resolved, That the Governor of the State of Texas be requested to order an election in said Thirteenth Senatorial District for the purpose of electing a Representative to fill the said vacancy, and that said election be held at the same time as the election for members of Congress in November next.

On motion of Mr. Smith, of Grimes, the report and resolution were laid on the table temporarily.

Mr. Smith, of Grimes introduced a bill "To prevent the leaving of dead animals in any of the public highways, roads, streets or alleys in this State." Referred to the Committee on Roads, Bridges and Ferries.

Mr. McLeary introduced a bill "To incorporate the Alamo Rifles of the city of San Antonio." Referred to Judiciary Committee No. 2.

Mr. Brown, of Gregg, introduced a bill "To enforce more effectually the laws of the State against gaming and keeping of gaming houses." Referred to Judiciary Committee No. 2. Also, a bill "To amend an act passed December 16, 1863, entitled 'an act to amend articles four hundred and twelve and four hundred and eighteen of an act to adopt and establish a Penal Code for the State of Texas,' approved August 28, 1856." Referred to Judiciary Committee No. 2.

The Chief Clerk was instructed to announce to the Senate that the House of Representatives was ready to receive them on hearing of the causes for removal of Hon. Henry Maney, Judge of the Twenty-second Judicial District.

The Senate was announced and received.

The Speaker announced that the two Houses were in joint session on hearing of the causes for removal presented against Hon. Henry Maney, Judge of the Twenty-second Judicial District.

Senator Bradshaw, on the part of the joint committee of both Houses, to whom the causes had been referred, announced that Messrs. A. M. Jackson and W. M. Walton, Esqs., would appear as counsel for the State, and Hon. G. W. Jones for the respondent.

A. M. Jackson, Esq., opened the argument for the State. He was followed by Hon. G. W. Jones for the defendant, pending whose argument, on motion of Senator Westfall, the joint session adjourned to 3 P. M. The Senate retired to its own chamber.

By leave, M. Storey introduced a bill "Fixing the time for holding the district courts in the Twenty-second Judicial District." Read first time and laid on the table to take its turn in regular order.

Report from Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House bill No. 185, "An act to amend sections two, four, six, twelve and fifteen of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, A. D. 1870," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Epperson moved to take up Senate bills on the Speaker's table, read them by caption and refer them to committees. The motion carried.

Senate bill No. 136, "To extend the time for the construction of works of internal improvements," was read first time.

Mr. Watson moved to lay the bill on the table.

On motion of Mr. Harrison, the House adjourned.

EVENING SESSION.

House met. Roll called, quorum present.

Absent—Messrs. Lindsey, O'Neal and Wortham.

On motion of Mr. Nicholson, Mr. Wortham was excused for the evening on account of sickness.

The Chief Clerk was instructed to inform the Senate that the House of Representatives was ready to receive them in joint session.

The Speaker read an invitation to the House of Representatives from the committee of arrangements, to be present at the religious services to be held in the Opera House, at 7:30 P. M.

Leave being granted, Mr. Stephens introduced a joint resolution, fixing the rate of pay for ranging companies, called out under the circular letter of the late Governor Davis. Read first time and passed to second reading.

Leave being granted, Mr. Stewart of Montgomery, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on the State Penitentiary, who are also charged with the duty of inspecting the accounts of the late Inspectors of that institution, ask leave, for the information of the Speaker and House, to make an informal report in regard to their examination of the accounts of said Inspectors, to-wit: That in consequence of the delay attendant in obtaining a needed statement of the accounts and vouchers of said Inspectors, from the Comptroller's Department, occasioned by the insufficiency of clerical force in his office, they were not, until very lately, placed in possession of the required information to enable them to make an appropriate examination of the named accounts. It then appeared, that no account current had been filed by Mr. Randle, the Inspector next preceding the late incumbent. Some of the vouchers filed by said

Inspector being informal and requiring elucidation, he was respectfully called on by the Committee and asked to afford the same, and at his instance, further time was duly given him to make out and file with the Comptroller, his final account current with the State. This account was filed with the Comptroller on Friday last, but it also in turn requiring explanation, further time was extended to him for the purpose of procuring from Huntsville, vouchers and testimony essential, as stated to the Committee, to his making a full and satisfactory showing of his said accounts. So soon as this showing is made, promised in a day or two, your Committee will be enabled to lay before the House the results of their labors and investigations in the premises.

C. B. STEWART, Chairman,
H. MANNING,
P. S. WATTS,
J. M. HARRISON,
C. S. JENKINS,
W. L. DENMAN.

By leave, Mr. Manning introduced a bill authorizing and empowering the Governor to appoint a commission composed of three gentlemen, for the purpose of selecting suitable places, and receiving bids and proposals for the building of two branches of the State Penitentiary. Read and referred to the Committee on Penitentiaries.

The Senate was announced and received.

Mr. Jones resumed his argument, at the close of which, Senator Dwyer moved that the joint session adjourn to 8 o'clock P. M. Lost.

On motion of Mr. Sayers, the joint session adjourned to 9 o'clock A. M. to-morrow.

The Senate having retired, on motion of Mr. McLeary, the House adjourned to 9 o'clock A. M. to-morrow.

SIXTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 31, 1874. }

House met; prayer by chaplain. Roll called; quorum present.

A message from the Senate announced the passage by that body of the following Senate bills:

No. 140, regulating the sale of intoxicating liquors within a certain distance of any school, college or seminary of learning other than at a county seat.

No. 150, to grant lands to the International Railroad Company, in lieu of bonds on a portion of the line of its road.

No. 198, providing for the removal of county seats.

No. 138, to provide for the re-payment to James J. Gathings, of Hill county, money illegally extorted from him by the State Police.

No. 105, to amend "An Act entitled 'An Act to incorporate the Austin and Pacific Short Line Railroad Company,'" passed May 30, 1873.

The journal of yesterday was read and adopted.

The chief clerk was instructed to inform the Senate that the House of Representatives was ready to receive them in joint session on hearing of the causes for removal of Hon. Henry Maney, Judge of the Twenty-second Judicial District.

Suspension of the rules being the order, Mr. Chambliss introduced a bill amendatory of An act entitled "An act to provide for reorganization of the State Lunatic Asylum, and for the care and maintenance of the insane," approved February 5, 1858. Read and referred to Committee on Asylums.

Mr. O'Neal, introduced a joint resolution instructing our Senators and requesting our Representatives to urge upon Congress a more equitable division of the State into districts for the United States Courts. Referred to Judiciary Committee No. 2.

Mr. Linn, introduced a joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county. Read first time and referred to the Committee on Finance.

Mr. Hays presented a petition from citizens of Cooke county, asking that the school lands in that county be brought into market. Referred to the Committee on Education.

Mr. Meissner requested permission to withdraw the report and resolution submitted by himself, on yesterday, relative to the vacancy in the representation from the Thirteenth Senatorial District. The request was granted.

The following communication from his Excellency, the

Governor, was received and ordered spread upon the journal.

EXECUTIVE OFFICE,
STATE OF TEXAS,
AUSTIN, March 30, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—I have the honor to hand you herewith a copy of the captions of bills and joint resolutions approved by the Executive since January 16, A. D. 1874.

Very respectfully,

RICHARD COKE, Governor.

Senate bill No. 1, "An act to prevent sheriffs and other persons from paying over to G. W. Honey or A. Bledsoe, or to any person for them, any money or public funds," approved January 16, 1874.

Senate bill No. 2, "An act to prevent G. W. Honey and A. Bledsoe and others from paying out money, or public funds," approved January 16, 1874.

House joint resolution No. 2, "Suspending the powers of the Mayor and Aldermen and other officers of the city of Houston, in Harris county, in certain cases herein enumerated," approved January 20, 1874.

Senate bill No. 16, "An act to re-enact 'An act entitled 'An act to authorize the police court of Leon county to levy and collect a special tax to build a jail and to validate the action of said court under said law, and to cause the same to be published as one of the laws of the Thirteenth Legislature,'" approved January 23, 1874.

Senate bill No. 25, "An act to amend 'An act to incorporate the city of Brownsville,'" approved January 23, 1874.

House bill No. 46, "An act to consolidate in one act, and amend the several acts incorporating the city of Houston, in Harris county, approved January 23, 1874.

House bill No. 59, "An act to amend an act, entitled 'an act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charters,'" approved May 16, 1871, approved January 24, 1874.

House bill No. 61, "An act authorizing the county court

of Cameron county to issue bonds for the purpose of funding county indebtedness, and to provide for the payment of the same," approved January 24, 1874.

House bill No. 54, "An act incorporating Waco Lodge, No. 70, Independent Order of Odd Fellows," approved January 26, 1874.

Senate joint resolution No. 18, "Joint resolution ratifying the amendments to section twenty of article one, Bill of Rights; to section two, section three and section four of article five; section twenty-eight, section forty and section forty-eight of article twelve of General Provisions of the Constitution of the State of Texas." Received twelve m., January 26, 1874.

House bill No. 53, "An act supplemental to an act, entitled 'an act to incorporate the city of Brenham, and to grant a new charter to said city,'" approved February 4, 1873, approved January 26, 1874.

House bill No. 3, "An act making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature," approved January 27, 1874.

Senate bill No. 2 $\frac{1}{2}$, "An act to regulate and define mileage to be paid members of the Legislature," approved January 31, 1874.

House bill No. 5, "An act making an appropriation for mileage and *per diem* pay of the members and the *per diem* pay of the officers and employees of the Fourteenth Legislature," approved February 2, 1874.

Senate bill No. 7, "An act authorizing the county court of Tyler county to levy a special tax for certain purposes." [This act became a law without the approval of the Governor.]

Senate bill No. 51, "An act to regulate the holding of the district court of Freestone county, at its April term," approved February 7, 1874.

Senate bill No. 14, "An act to authorize the district judge to inquire into the sufficiency of the sureties upon the bonds of justices of the peace, and to require new bonds in certain cases," approved February 9, 1874.

Senate bill No. 13, "An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, approved February 10, 1874.

House bill No. 97, "An act to amend section one, two and three of an act, entitled 'an act to amend an act to

authorize the transcript of the records of Bowie county," approved April 3, 1873, approved February 11, 1874.

House bill No. 17, "An act to compel the sheriffs or ex-sheriffs, and the late treasurers of the boards of school districts, or those claiming to have been such, and other officers in the several counties of this State, to make a complete and final settlement with the county courts of said counties, and fix penalties for failure to comply therewith," approved February 10, 1874.

Senate joint resolution No. 43, "Joint resolution making an appropriation to re-furnish and repair the Executive Mansion," approved February 13, 1874.

House bill No. 20, "An act repealing an act, entitled 'an act to prohibit the sale, or giving away, of spirituous, vinous, malt and other intoxicating liquors, within two miles of certain places therein named,' passed May thirty-first, A. D., 1873, page 717, Special Laws Thirteenth Legislature, or so much thereof, as applies to the town of Moscow, or the Moscow Masonic High School, approved February 13, 1874.

Senate joint resolution No. 12, "Joint resolution returning thanks to the President for upholding the right of local self government in Texas," approved February 14, 1874.

House bill No. 98, "An act to amend an act entitled 'an act prescribing the time of holding the district courts in Kaufman and Rockwall counties, in the Tenth Judicial District,' approved May 27, 1873, approved February 16, 1874.

Joint resolution No. 151, "Joint resolution setting apart certain rooms in the Capitol building for the use of the Senate and House of Representatives," approved February 16, 1874.

Senate bill No. 50, "An act making an appropriation to pay judgment in favor of E. M. Smith, against the State of Texas," approved February 21, 1874.

House bill No. 181, "An act to amend the twenty-ninth section of an act, entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870, approved February 21, 1874.

Senate bill No. 125, "An act to organize the county of Kinney, approved February 24, 1874.

Senate joint resolution No. 118, "Joint resolution instructing the Attorney General to bring suit against James

Davidson, late Adjutant General, and to prevent the sale of property in this State, held in his name, until the termination of said suit," approved February 25, 1874.

Senate bill No. 186, "An act to provide for holding district courts in Eastland county," approved February 26, 1874.

House bill No. 210, "An act to fix the rate of mileage and *per diem* of witnesses in attendance on the various committees of the two Houses of the Fourteenth Legislature, or before the Senate, in cases of impeachment and address," approved February 26, 1874.

House bill No. 168, "An act to authorize incorporated cities to establish and manage free libraries," approved February 26, 1874.

House bill No. 211, "An act making an appropriation to pay the mileage and *per diem* of witnesses before the various committees of the two Houses, and before the Senate in cases of impeachment of the Fourteenth Legislature," approved February 26, 1874.

House bill No. 146, "An act to branch the Supreme Court of the State of Texas," approved February 29, 1874.

House joint resolution No. 19, "Joint resolution declaring the second day of March and the twenty-first day of April legal Texas holidays," approved March 2, 1874.

House bill No. 214, "An act to provide money to pay the floating indebtedness of the State," approved March 4, 1874.

Senate bill No. 137, "An act making an appropriation to pay contingent expenses of Department of State," approved March 3, 1874.

Senate bill No. 156, "An act to authorize the Governor to sell certain bonds of the State, and to adjust and settle the indebtedness of the State with Williams and Guion," approved March 4, 1874.

Senate bill No. 163, "An act to define the Tenth Judicial District of the State of Texas, and to provide the times for the holding of the courts therein, and to attach the county of Rockwall to the Fourteenth Judicial District," approved March 5, 1874.

House joint resolution No. 133, "Joint resolution to require the State Treasurer not to pay certain warrants, except out of funds especially provided for the payment of such warrants," approved March 7, 1874.

House bill No. 198, "An act making an appropriation to buy postage stamps for the office of Public Instruction," approved March 9, 1874.

Senate bill No. 239, "An act to fix the *per. diem* and mileage of witnesses summoned in cases of address or impeachment against the Judges of the Twenty-second (22), Twenty-fourth (24), and Twenty-fifth (25) Judicial Districts," approved March 10, 1874.

Senate bill No. 57, "An act to provide for the registration of voters in all the incorporated towns and cities within the State, not otherwise provided for by law," approved March 12, 1874.

Senate joint resolution No. 76, "Joint resolution asking our Senators and Representatives in Congress to procure an appropriation by Congress, to improve the navigation of Soda Lake and Cypress Bayou," approved March 12, 1874.

House bill No. 133, "An act to enlarge and define the boundaries of Wilson county," approved March 13, 1874.

House bill No. 136, "An act to create and provide for the organization of the county of Tom Green," approved March 13, 1874.

Senate bill No. 189, "An act to authorize justices of the peace to employ assistant assessors in certain cases," approved March 13, 1874.

Senate bill No. 53, "An act to amend article five hundred and eighty-seven of the Code of Criminal Procedure," approved March 16, 1874.

Senate bill No. 117, "An act to amend section thirteen of an act providing for a geological survey of the State of Texas," approved August 13, 1870, approved March 16, 1874.

Senate bill No. 192, "An act to validate assessments made by assistant assessors," approved March 16, 1874.

Senate bill No. 91, "An act for the relief of the purchasers of University lands, and to validate the patents heretofore issued," approved March 17, 1874.

House bill No. 142, "An act to provide for the immediate apportionment of the school fund, which should have been apportioned in December, A. D., 1873," approved March 17, 1874.

Senate bill No. 61, "An act to provide for the Public Printing by contract," approved March 14, 1874.

House bill No. 47, "An act to amend an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof," approved April 15, 1873.

[This act became a law without the Governor's signature.]

Senate joint resolution No. 208, "Joint resolution in-

structing and requesting our Congressional delegation to urge upon Congress the speedy reimbursement of Henry Warren, for losses incurred by reason of the destruction of his wagon train, and other property by the Comanche, Kiowa and Cheyenne Indians," approved March 20, 1874.

Senate bill No. 71, "An act to amend an act entitled an act to incorporate the Agricultural, Mechanical and Blood Stock Association of Texas," approved October 20, 1866, approved March 20, 1874.

House bill No. 4, "An act to fix the venue in certain cases," approved March 21, 1874.

House bill No. 16, "An act to encourage stock raising, and for the protection of stock raisers," approved March 23, 1874.

Senate bill No. 272, "An act making an appropriation for the *per diem* pay of members, and the *per diem* pay of the officers and employees of the Fourteenth Legislature of the State of Texas," approved March 21, 1874.

Senate bill No. 49, "An act to regulate the testimony of witnesses in cases of bribery," approved March 21, 1874.

House bill No. 151, "An act making an appropriation to pay costs due sheriffs, clerks and attorneys in felony cases in district courts for 1873, and previous years; to pay the fees of justices of the peace and other peace officers, in criminal prosecutions for 1872 and previous years, and to pay justices of the peace for assessing the taxes for 1873," approved March 27, 1874.

Leave having been granted, Mr. Von Biberstein, on behalf of a joint committee, submitted the following report:

COMMITTEE ROOM,)
Austin, March 28, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Conference Committee appointed to take into consideration the matter of difference between the two Houses, pertaining to House bill No. 315, to be entitled "An act to regulate proceedings in the Supreme Court," having had the same under consideration, respectfully report it back with the following recommendation:

That the House "*concur*" in the Senate amendment by

adding to section 4, "and from the county of Washington returnable to Austin instead of Galveston."

JOSEPH E. DWYER,
Chairman of Senate Committee.

H. R. VON BIBERSTEIN,
Chairman of House Committee.

Action upon the report was cut off by the announcement that the Senate was at the door. The Senate was received.

The Speaker having announced that argument would be resumed before the joint session, W. M. Walton, Esq., requested that fifteen minutes additional time might be granted to Hon. G. W. Jones, counsel for the respondent, in which to make some points omitted in his argument yesterday evening.

On motion of Senator Ireland, the additional time was granted.

G. W. Jones, Esq., then resumed and concluded his argument, and was followed by W. M. Walton, Esq., who closed the case for the State.

At the conclusion of his address, on motion of Senator Russell, the Senate retired to its chamber.

Mr. Smith, of Grimes, moved that the House proceed to take the vote upon the pending case.

Mr. Manning moved a call of the House which was seconded and ordered.

Absent—Messrs. Abner, Simpson and Triplett.

The Sergeant-at-arms was dispatched for the absentees.

Messrs. Simpson and Triplett having come in, on motion of Mr. Lea, the call was suspended.

A message from the Senate announced that that body had unanimously voted the address for the removal of the Hon. Henry Maney, Judge of the Twenty-second Judicial District.

The Speaker put the question: "Is there a cause, or are there causes sufficient to vote the address of removal of Hon. Henry Maney, Judge of the Twenty-second Judicial District?" upon which the vote was as follows:

YEAS—Mr. Speaker, Anderson, Barziza, Bean, Brown, of Gregg, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, Gellatly, German, Harris, Harrison, Hart, Hayes, Henderson, of Smith, Henderson, of Kendall, Jackman, Jenkins, Johnson, Kem-

ble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Middleton, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Sadler, Sayers, Schmidt, Scott, Simpson, Smith, of Travis, Smith, of Grimes, Stephens, Story, Stewart, of Montgomery, Stuart, of Falls, Triplett, Von Biberstein, Watson, Watts, Wortham—74.

NAYS—Messrs. Ballard, Brown, of Harrison, Freeman, Meissner, Roberts, Walker—6.

The Speaker declared that the address had been voted.

On motion of Mr. Kemble, Mr. Middleton was granted leave of absence for eight days on account of sickness in his family.

Resuming the business pending when the Senate was announced, Mr. Von Biberstein submitted the following protest which he asked might be spread upon the journal. The request was granted :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

I protest in the name of the Bar Association of Washington county, against the change in House bill No. 315, contemplated by the Senate amendment, recommended by the report of the Committee of Conference, attaching Washington county to the branch of the Supreme Court at Austin, and I do ask that this protest with the petition of members of the Bar of Washington county, presented to said Committee of Conference, will be entered upon the journal of this House.

H. R. VON BIBERSTEIN,

Representative of Washington County.

To the Honorable Senate and House of Representatives of the State of Texas :

The undersigned, Attorneys at Law, residing and practicing in the county of Washington, respectfully pray that all appeals and writs of error taken from causes decided in District Court of said county, may be made returnable to the Galveston branch of our Honorable Supreme Court.

SAYLES & BASSETT, DAN MCINTYRE,
GIDDINGS & MORRISS, BREEDLOVE & EWING,
L. H. OGBURN, W. H. BILLINGSHA,
G. W. STONE, CARL SCHULTZE,

H. E. WILLIAMS,

P. H. SWEARINGEN, (because the bar meeting so voted in favor of Galveston.)

The report of the Committee of Conference was adopted, and the bill as amended passed.

The unfinished business of yesterday, being Senate bill No. 136, to extend the time for the construction of works of internal improvements was taken up, pending the motion of Mr. Watson to lay the bill on the table. The House refused to table by the following vote:

YEAS—Messrs. Bean, Bruce, Cochran, DeMorse, Douglass, Farrar, Foote, German, Hart, Hayes, Jenkins, Kemble, Lea, McCuiston, Nicholson, O'Neal, Patrick, Patterson, Pickett, Rainey, Stuart of Falls, Von Biberstein and Watson—24.

NAYS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Brown, of Gregg, Brown, of Harrison, Cain, Chambliss, Delany, Denman, Donald, Easley, Eastland, Edwards, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Henderson, of Kendall, Jackman, Johnson, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McLeary, Miller, Murphy, Oxsheer, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Simpson, Smith, of Travis, Smith, of Grimes, Stephens, Storey, Stewart, of Montgomery, Triplett, Walker, Watts and Wortham—53.

On motion of Mr. Storey, the bill was referred to the Committee on Internal Improvements.

By leave, Mr. Middleton presented a protest from citizens of Fort Worth, against the extension of time to the Texas and Pacific Railroad Company. Read and referred to the Committee on Internal Improvements.

Mr. Reeves, by leave, presented a counter petition from citizens of Fort Worth, in favor of the extension of time to the Texas and Pacific Railroad Company. Read and referred to the Committee on Internal Improvements.

Mr. Kessler presented a petition from citizens of Fort Worth, protesting against any extension of time to the above road. Referred to the same committee.

Mr. Nicholson presented a petition from citizens of Bonham, Fannin county, against the extension of time to the above road. Referred to the same committee.

Mr. Chambliss moved to suspend the rules and take up business on the Speaker's table.

The House refused.

Mr. Storey, moved to suspend the rules and take up House bill No. 421, fixing the times for holding the District

Courts in the Twenty-second Judicial District. The motion carried, the bill was read second time and ordered engrossed.

On motion of Mr. Storey, the rules were further suspended, the bill was read third time and passed.

Further unfinished business being reports from the Committee on Counties and County Boundaries was resumed.

House bill No. 70, to repeal an act entitled "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements," approved April 12, 1871, was taken up, pending an amendment offered by Mr. Kessler, excepting certain counties from the operations of the bill.

(Mr. Cochran in the chair.)

Mr. Triplett offered the following amendment: Provided this act shall not apply to counties or cities which have no railroads.

Mr. Jackman moved to lay the amendments on the table. Division being called for, the amendment offered by Mr. Triplett was put and failed to carry.

The House refused to table by the following vote:

YEAS—Messrs. Bruce, Cain, DeMorse, Donald, Easley, German, Hart, Hayes, Jackman, Jenkins, Kemble, Matthews, McCuiston, Middleton, Nicholson, O'Neal, Patterson, Rainey and Wortham—19.

NAYS—Mr. Speaker, Abner, Anderson, Barziza, Bean, Brown, of Gregg, Brown, of Harrison, Chambliss, Cochran, Delany, Denman, Douglass, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Harris, Harrison, Henderson of Kendall, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Massey, McLeary, Meissner, Murphy, Oxsheer, Patrick, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Simpson, Smith, of Travis, Smith, of Grimes, Stephens, Storey, Stuart, of Falls, Triplett, Von Biberstein, Walker, Watson and Watts—55.

Mr. Storey moved to recommit the bill to Judiciary Committee No. 2, with instructions to report thereon to-morrow if possible.

Mr. Kessler moved a call of the House.

The call was not seconded.

Report from Committee on Engrossed Bills :

COMMITTEE ROOM, }
Austin, March 31, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House bill No. 421, "An act fixing the time for holding the District Courts in the Twenty-second Judicial District," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Mr. Kessler moved to adjourn. Lost.

Mr. Douglass moved the previous question which was sustained, and the main question ordered. The amendment was adopted. The bill was then ordered engrossed.

Mr. Triplett moved to adjourn which carried.

EVENING SESSION.

House met. Roll called, quorum present.

Absent—Messrs. Barziza, Henderson of Smith, Lindsey, Murphy and Stewart of Montgomery.

On motion of Mr. Edwards, Mr. Lindsey was excused for the evening on account of sickness.

On motion of Mr. Brown of Gregg; Mr. Henderson of Smith was excused for the evening on account of sickness.

House bill No. 51, To authorize parties to sue in certain cases before District Courts, for Headright certificates, and bounty and donation warrants, and to provide for the issuing of such certificates and warrants, was taken up as unfinished business of Saturday, pending the following amendments by Judiciary Committee No. 1:

Amend section one, line twenty-six, by striking out all after the word "Texas," and the first three words of line twenty-seven, same section, and insert in lieu thereof the words: "In the District Court at the Capital of the State."

Amend section three by inserting in line three after the word "commenced," the words "under the supervision of the Attorney General."

The first amendment was lost.

The House refused to adopt the second amendment.

Mr. Harrison offered the following amendment: Add to section four the following: "Provided, this act

shall not be so construed as to authorize Charles F. Mercer or his associates to sue the State for lands."

Pending discussion a message from the Senate announced the passage by that body of House bill No. 421, fixing the time for holding the District Courts in the twenty-second Judicial District.

House bill No. 187, to make an appropriation to complete the buildings of the Agricultural and Mechanical College of Texas. Also, that that body adhered to its amendments to House bill No. 128, to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans or other marauding or thieving parties; had appointed Senators Ball, Wood and Westfall a Committee of Free Conference, and asked the appointment of a like Committee on the part of the House.

Resuming the pending question, Mr. Smith of Grimes, offered the following amendment to the amendment: Add thereto, "or anybody else." The amendment was adopted.

The original amendment as amended was then adopted.

Mr. Von Biberstein offered the following amendment: After the word "facts," in eighth line of section four, the bill shall read as follows:

Sec. 5. When judgment has been so entered, the plaintiff shall file a properly certified transcript thereof, with the Commissioner of the General Land Office, who shall lay the same before the Attorney General, together with a statement under the seal of his office, for or against said claims as may be shown by the records of the General Land Office, and by the records of the former Court of Claims, now in the keeping of the Commissioner of the General Land Office.

Sec. 6. The Attorney General shall give a written opinion in regard to the merits of each case, and lay the same before a Board, consisting of the Comptroller of Public Accounts, the Treasurer and the Commissioner of the General Land Office. Said Board to be in session once a month.

Sec. 7. The Board shall take action and either reject or approve the claim, and the Commissioner of the General Land Office shall issue the land certificates to which the applicant is entitled in accordance with the action of this Board.

Sec. 8. In all cases in which the records of the General Land Office and of the former Court of Claims, furnish full evidence of the merit of any one claim, the said Board is authorized to take action in the manner provided for in the foregoing sections, without any proceedings in the District Court to establish the claim.

Sections five and six to be numbered nine and ten.

Mr. Storey moved to indefinitely postpone the bill and amendments.

Mr. Smith of Grimes, moved to lay the bill and amendments on the table.

The House refused to table by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Bean, Brown of Gregg, Cochran, Denman, DeMorse, Douglass, Eastland, Farrar, Foote, Harrison, Hays, Henderson of Kendall, Jackman, Jenkins, Kemble, Massey, Middleton, Patterson, Rainey, Reeves, Rogers, Rosborough, Schmidt, Smith of Grimes, Story and Stuart of Falls—29.

NAYS—Messrs. Ballard, Brown of Harrison, Cain, Chambliss, Donald, Easley, Edwards, Freeman, Gellatly, German, Harris, Hart, Johnson, Kessler, Lawhon, Lea, Linn, Manning, McCuiston, McLeary, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Pickett, Price, Roberts, Sadler, Sayers, Scott, Stephens, Triplett and Von Biberstein—34.

The motion to postpone indefinitely was then carried.

Leave being granted, Mr. Brown of Gregg, offered the following resolution:

Resolved, That the use of this hall be tendered to Rev. Dr. Hammond and friends this evening, at 7 o'clock P. M., for divine worship.

On motion of Mr. McLeary, the resolution was laid on the table.

Reports from Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 403, "An act to change the judicial relation of Angelina and Houston counties, and to provide the times for holding the courts," have had the same under consideration, and I am instructed by Committee to report bill back and recommend that it do pass.

BROWN, of Gregg, Chairman.

The report was adopted, the bill was read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 203, "To create and organize the county of Coke," have had the same under consideration and I am instructed by Committee to report the same back and recommend that the same do pass.

BROWN, of Gregg, Chairman.

On motion of Mr. Lawhon, the bill and report were temporarily laid on the table.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee to whom was referred House bill No. 227, "To create the county of Franklin," have had the same under consideration, and I am instructed to return said bill and recommend that the same do pass with the following amendments: Section first, line eighth, by striking out S. Dutz and insert B. Osbourn, and in line nine, strike out 71 ; in line ten after the word county, insert at the northwest corner of the Joseph Martin League.

BROWN, of Gregg, Chairman.

Mr. Oxsheer moved to recommit the bill, and presented a protest from citizens of Milam county, against the dismemberment of that county. The bill was recommitted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee to whom was referred House bill No. 352, "An act to create and provide for the organization of the county of Gordon," have had the same under consideration, and I am instructed to report the same back and recommend that it do pass.

BROWN, of Gregg, Chairman.

On motion of Mr. Anderson, the bill was postponed to Saturday, April 4th, 11 o'clock, A. M., and made special order for that hour.

House bill No. 203, to create the county of Coke, was resumed.

Mr. McLeary offered the following amendment: Amend section one, lines sixteen and seventeen, by striking out

“to Grape creek, thence up Grape creek six miles, thence north,” and inserting in lieu thereof, “to the northeast corner of Gillespie county, thence west with the northern line of Gillespie county.” The amendment was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 43, to be entitled an act to change a portion of the western boundary line of San Patricio county, have had the same under consideration, and from all the facts elicited in the premises, we are of the opinion, that great injustice was done the petitioners at the last session of the Legislature, by the veto of the Governor, after it had passed both Houses, almost unanimously, and a majority of the Committee, instruct me to report the bill back, and recommend that the same do pass, with the proposed amendments.

BROWN, of Gregg, Chairman.

Strike out in lines ten and eleven, the words “south,” and insert “north.” Also line sixteen, the word “fifteen,” and insert “twenty.” Strike out from the word “creek” in line twenty-four, to word “creek” in line twenty-six, and insert “crossing the same one mile north of the village of Banqueta, continuing on a direct line to the Pintos creek, thence up said creek to the mouth of Chiltipin creek, and thence up said Chiltipin.”

The amendment was adopted, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 48, “An act to reorganize Young county,” report that they have carefully examined the same and recommend that the bill do pass, with the following amendment: Amend section seven so as to read as follows:

Sec. 7. The county seat of said county shall remain at Fort Belknap in said county, until the qualified electors of said county shall select some other point for said county seat, in accordance with the laws regulating the locating or removal of county seats.

BROWN, of Gregg, Chairman.

The report was adopted, the bill as amended read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 426, a bill to be entitled "An act to change and better define the north boundary line of San Patricio county," have had the same under their consideration, and Committee instructs me to report bill back and recommend that the same do pass.

BROWN, of Gregg, Chairman.

The report was adopted and the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 334, a bill entitled "An act amendatory of an act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Lapata, Webb, Encinal, Duval and Nueces," passed July 26, 1870, have had the same under consideration, and have examined the matter in all its bearings, and Committee instruct me to report bill back and recommend that it do pass.

BROWN, of Gregg, Chairman.

The report was adopted, the bill was read second time and ordered engrossed.

The Speaker appointed the following Committee of Free Conference on the part of the House upon House bill No. 128, to provide for the protection of the frontier of the State of Texas, against the invasions of hostile Indians, Mexicans or other marauding or thieving parties: Messrs. McLeary, Stephens, DeMorse, Watts and Pickett.

Reports from Committee on Indian Affairs:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee to whom was referred House bill No. 382, have had the same under consideration, and instruct me to report said bill back, with a recommendation that it do pass.

G. B. PICKETT, Chairman.

The report was adopted and the bill being a bill to provide for the payment of Lieut. J. M. Elkin's company of

minute men in Coleman county, was read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee to whom was referred Joint Resolution No. 7, have had the same under consideration, and instruct me to report said resolution back, with a recommendation that it do not pass.

G. B. PICKETT, Chairman.

The report was adopted and the Joint Resolution, being a joint resolution memorializing Congress to allow the State of Texas to keep troops for purposes therein stated, was indefinitely postponed.

Reports from Committee on Towns and City Corporations.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Towns and City Corporations to whom was referred House bill No. 391, entitled "An act to regulate the election of aldermen in incorporated cities and towns," have carefully considered the same, and instruct me to report said bill back and recommend its passage.

SIMPSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Town and City Corporations to whom was referred the petition of the citizens of Granberry, Hood county, asking that the charter of said town be repealed, instruct me to report back the accompanying bill and recommend its passage.

SIMPSON, Chairman.

The bill being House bill No. 422, repealing an act entitled "An act to incorporate the town of Granberry, in Hood county, State of Texas," was read first time, the rules suspended, read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Town and City Corporations to whom was referred House bill No. 357, entitled "An act

to amend the fourth section of an act to amend, and supplemental to an act to provide for the incorporation of towns and cities, approved May 20, 1873," have considered the same and instruct me to report said bill back with the recommendation that it do pass.

JAMES B. SIMPSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Town and City Corporations to whom was referred House bill No. 356, entitled "An act to incorporate the board of trustees of an institution to be known as the Block Springs Male and Female Academy," have carefully considered the same, and believing that said institute can be incorporated under the general laws now in force, instruct me to return said bill with the recommendation that the same do not pass.

JAMES B. SIMPSON, Chairman.

The report was adopted, and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee upon Town and City Corporations to whom was referred the petitions of the citizens of Coryell county, praying for and against the sale of intoxicating liquors, instruct me to report said petitions back, and recommend their reference to the Special Committee upon the "Ohio Liquor Law."

JAMES B. SIMPSON, Chairman.

The report was adopted, and the reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee upon Town and City Corporations, to whom was referred House bill No. 273, entitled "An act to amend an act to incorporate the town of Millican, in Brazos county ;" also, House bill No. 324, entitled "An act to incorporate the town of St. Joe," have carefully considered the same, and believing that such legislation is inhibited by the recently adopted amendments to the

constitution, I am instructed to report said bills back with the recommendation that they do not pass.

JAMES B. SIMPSON. Chairman.

The report was adopted, and the bills indefinitely postponed.

Further reports from the Committee on Counties and County Boundaries:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Towns and City Corporations, to whom was referred House bill No. 229, "An act amendatory of Title 8, of an act entitled 'An act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter,' approved May 16, 1871;" also, House bill No. 242, "An act to incorporate Denton Lodge No. 82, I. O. O. F.;" also, House bill No. 257, "Bill to amend section 8 of an act to re-incorporate the city of Corsicana, passed May 20, 1873;" also, House bill No. 240, "A bill to be entitled, an act to amend sections 1, 5, 12 and 13, of an act entitled an act re-incorporating the town of Liberty, approved March 21, 1873;" and, also, House bill No. 235, "An act to incorporate the Fredericksburg Arbeiter Verein," report that they have carefully examined the above recited bills, and are of opinion that they are in violation of the amended constitution, and would ask that they be referred to Judiciary Committee No. 2, for their examination and legal opinion.

COCHRAN, for Committee.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 153, "An act to create and organize the county of Gano," have had the same under consideration, and I am instructed to return the same and recommend that it do not pass.

BROWN, of Gregg, Chairman.

The report was adopted, and the bill indefinitely postponed.

Mr. Sadler moved to adjourn. Lost.

On motion of Mr. Miller, House bill No. 218, to amend sections six, seven, eight and nine of "an act to protect the farming interests of the State," passed May 16, 1873, was taken up, pending the following amendments by the Committee on Agriculture and Stock Raising:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 218, "A bill to be entitled 'an act to amend the sixth, seventh, eighth and ninth sections of an act entitled 'an act to protect the farming interests of the State,''" passed May 16, 1873, have had the same under consideration, and I am instructed by the Committee to report the same back to the House with sundry amendments, and recommend the adoption of said amendments, and that the bill, as amended, do pass.

W. G. MILLER, Chairman.

1. Strike out all that part of the bill proposing amendments to the sixth section of the old law.

2. Add to the seventh section the following: "*And provided further*, that no such subdivision of any county shall be of less area than one-fifth of the county, in which said subdivision is situated."

3. Amend ninth section by inserting between the words "the" and "following," in the second proviso, the words "operations of this act shall be suspended in the."

On motion of Mr. Cochran, the bill with amendments was temporarily laid on the table.

The Speaker submitted the following communication from the Attorney General, which was read:

ATTORNEY GENERAL'S OFFICE, STATE OF TEXAS, }
AUSTIN, March 31, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR: I have the honor to acknowledge the receipt of a resolution, adopted by the House of Representatives on March 30, 1874, requesting the official opinion of the Attorney General "as to the relative responsibility of the State and counties thereof, in the matter of support and maintenance of lunatics legally consigned to the State

Lunatic Asylum, to the end that the Legislature may properly make the necessary appropriation for the State."

Section ten of "An act for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane," approved February 5, 1858, as amended by the act of March 15, 1871, (see P. D. Art. 5834), provides as follows: "All persons admitted into the Lunatic Asylum shall be admitted as *State patients*, except as hereinafter provided."

This establishes the general rule. The exceptions are as follows:

1. Private patients, who must be sustained and supported by their friends. (See P. D., Articles 125 and 5835.)

2. County patients, that is such as are proceeded against by information before presiding justices, and adjudged lunatics, and consigned to the Asylum by order of the Justice. (See P. D., Art. 120.) The county from which the patient is sent must provide funds for his support, to the amount of four dollars per week, (P. D. 5835) and any excess, necessary for the support of the patient, over that sum, must be borne by the State. (Id.)

3. Article 125, Paschal's Digest, would seem to authorize counties in certain instances to forward patients without regular proceedings. If so, such class would come under the term "county patients," and the sum to be provided by the county, is regulated by the provisions of Art. 5835, P. D.

I am sir, very respectfully, your obd't serv't,

GEO. CLARK, Attorney General.

On motion of Mr. Kemble, the communication was referred to the Committee on Finance.

Mr. Johnson offered the following resolution:

Resolved, That this House will not take up, receive, or act upon any bill or bills, or joint resolution (except a resolution) after the second day of April, 1874, *provided*, that this resolution shall not be so construed as to include any veto message of the Governor.

Laid over under the rules.

Mr. Storey introduced a bill concerning the corporation of the town of Lockhart, in Caldwell county, Texas. Read first time, and referred to the Committee on Towns and City Corporations.

Mr. Von Biberstein introduced a bill, to incorporate the trustees of the Hempstead Baptist Church, in the county of Waller, Texas. Read first time and referred to the Committee on Towns and City Corporations; also, a bill to amend the act of the Congress of the Republic of Texas, incorporating Baylor University, in the town of Independence, Washington county, Texas, making said incorporation indefinite in its duration and in the amount of values it may hold. Read first time, and referred to the Committee on Towns and City Corporations.

Mr. Roberts moved to adjourn.

Lost.

Mr. Denman submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 415, "to prevent the leaving of dead animals in any of the public highways, roads, streets, or alleys in this State," have carefully examined the same, and have instructed me to return the same, with the recommendation that it do pass.

Respectfully submitted,

W. L. DENMAN, Chairman.

The report was adopted, the bill was read second time and ordered engrossed.

On motion of Mr. Denman, the House adjourned.

SIXTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 1, 1874. }

House met. Prayer by Rev. J. W. D. Creath. Roll called; quorum present.

Absent—Messrs. Henderson, of Smith, Lea and Worham.

On motion of Mr. Brown of Gregg, Mr. Henderson of Smith, was excused for the day on account of sickness.

On motion of Mr. Smith of Grimes, Mr. Lea was excused on account of sickness.

The journal of yesterday was read and adopted.

The Speaker submitted the following petition :

To the Senate and House of Representatives of the State of Texas :

We, the undersigned, citizens of Harrison county, your petitioners, would respectfully represent that we are strictly opposed to the severance of any part of our county for the purpose of attaching the same to any other county in this State, and we pray that your honorable bodies will not accede to the wishes of a small minority.

Signed by two hundred and eighty-two persons.

The petition was referred to the Committee on Counties and County Boundaries.

Mr. Reeves presented a memorial from citizens of Sherman, "Protesting against any extension of time to the Texas and Pacific Railway Company." Referred to the Committee on Internal Improvements.

On motion of Mr. McLeary, the Committee of Conference upon the Frontier Bill were allowed to retire to meet the Senate committee.

Mr. Smith, of Grimes, moved to allow the Committee on Public Buildings and Grounds to report, which carried, and the following was submitted, read and referred to the Committee on Finance.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Public Buildings have examined the Land Office Building and find the following repairs greatly needed: New guttering and some repairs on the roof of the building; two pillars as supports to the stairway; a new fence around the yard; the ceiling needs repairing and replastering, and there is also some outside plastering needed. And we suggest that the sum of two thousand dollars be included in the general appropriation bill for the above repairs, and that the same shall be applied to the repairs in the order in which they are named.

We have also examined the privy belonging to the capitol building, and find the same needing a new roof, and we suggest that the sum of one hundred dollars be incorporated in the general appropriation for the purpose of putting a new roof on said building.

D. D. ROSBOROUGH, Chairman.

The following communication from his Excellency the Governor was read and ordered spread upon the journals :

EXECUTIVE OFFICE, STATE OF TEXAS, }
Austin, March 31, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

SIR—I have the honor to acknowledge the receipt of your communication of this date, with enclosures, showing the adoption by the requisite constitutional majority by the House, over which you preside, of an address to the Executive, requiring the removal of the Hon. Henry Maney from the office of Judge of the Twenty-second Judicial District.

I have the honor to state, that I received to-day, from Hon. R. B. Hubbard, President of the Senate of Texas, a communication informing me that the same address has been adopted in the Senate, by the requisite constitutional majority. I beg leave respectfully, through yourself, to inform the House of Representatives, that I have performed the duty devolved on the Executive, by this joint action of the two Houses, by addressing a note to the Hon. Henry Maney, at Seguin, in Gaudalupe county, removing him from the office of Judge of the Twenty-second Judicial District, and declaring said office vacant, a copy of which note, accompanies this communication.

Very Respectfully, RICH'D COKE, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
Austin, March 31, 1874. }

Hon. Henry Maney, Judge of Twenty-second Judicial District, Seguin, Guadalupe county, Texas :

SIR—The Legislature of the State of Texas, by a two-thirds vote of each House, have adopted and transmitted to me an address, requiring, for causes spread upon the records of said two Houses, of which you have been duly notified, your removal from the office of Judge of the Twenty-second Judicial District of Texas. I therefore, as Governor of Texas, in pursuance of the duty devolved on me by this action of the Legislature, do hereby remove you from the office of Judge of the Twenty-second Judicial District, and declare said office vacant.

Very Respectfully,
[Signed,] RICH'D COKE, Governor.

Report from Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills, have carefully compared the following House bills, to-wit: House bill No. 70, "An act to repeal an act to authorize counties, cities and towns, to aid in the construction of railroads." Also, House bill No. 351, "An act to amend the fourth section of an act entitled 'an act to amend and supplemental to an act to provide for the incorporation of towns and cities,'" approved May 26, 1873. Also, House bill No. 391, "An act to regulate the election of Aldermen in incorporated cities in this State." And also House bill No. 422, "An act repealing an act entitled 'an act to incorporate the town of Granberry, in Hood county, State of Texas,'" and find each correctly engrossed.

L. J. STOREY, Chairman.

Reports from Judiciary Committee No. 1 :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to which was referred House bill No. 108, "To regulate fees of office," have duly considered said bill, and have proposed thereto numerous amendments herewith submitted, and respectfully recommend that the bill with said proposed amendments, be passed.

JOHN W. HARRIS, Chairman.

Amendments proposed by Committee: Section 2, in line three, strike out fifteen and insert ten; in line twenty-five, strike out thirty and insert fifty; in line twenty-eight, strike out fifteen and insert ten; in line thirty-seven, strike out thirty and insert fifty; in lines thirty-seven, thirty-eight and thirty-nine, strike out the words "for taxing the bill of costs in each case, and a copy thereof, twenty cents." In line forty, strike out thirty and insert fifty; in lines forty-three, forty-four, forty-five and forty-six, strike out the words "for making out and transmitting a mandate and judgment of the District Court to the County Court, fifty cents;" in lines fifty-five, fifty-six and fifty-seven, strike out the words "for filing the records of each cause from the county court, twenty-five cents;" in line sixty, strike out "and;" in line sixty, strike out posting; in line

sixty-eight, strike out one dollar and insert twenty-five cents; in line seventy-four, strike out fifteen and insert ten; in line eighty-one, strike out fifteen and insert ten; in line eighty-three, strike out fifteen and insert ten; in line eighty-seven, strike out all after the word suit; strike out lines eighty-eight, eighty-nine, ninety and ninety-one; in line ninety-two, strike out fifteen cents; in line ninety-five, strike out fifteen and insert ten; in line one hundred, strike out all after the word seal; strike out lines one hundred and one and one hundred and two; in line one hundred and three, strike out the words shall change; in line one hundred and thirteen, strike out two and insert one; in line one hundred and thirty-two, strike out fifty and insert seventy-five. Section 3. In line twenty-two, strike out fifty cents, and insert one dollar; in lines forty-six and forty-seven strike out twenty-five and insert thirty; in lines fifty-nine and sixty, strike out two and a half and insert five. Add to section three, 'in transporting prisoners to the penitentiary, the sheriff shall be allowed . . . guards for . . . prisoners and shall be allowed mileage for sheriffs, guards and prisoners, each at the rate of five cents per mile for each mile necessarily traveled by rail, and at the rate of ten cents per mile for each mile necessarily traveled otherwise than by rail.' Section 4. In caption insert between the words 'to' and 'coroners' the words 'justices of the peace acting as;' in line eleven strike out the word 'he' and insert 'said physician or surgeon;' strike out all of section four after the word 'Court' in the twenty-fourth line. Section 5. In line nine, strike out fifteen and insert ten; in lines forty, forty-one and forty-two, strike out the words 'for taxing costs in such case and a copy thereof fifteen cents when required;' in line fifty-two, strike out fifteen and insert ten.

The report was adopted.

On motion of Mr. Reeves, the further consideration of the bill was postponed to Friday, April 3, 10 A. M., made special order for that hour and one hundred copies were ordered printed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 176, to be entitled "An act to fix the time of holding the district court of the Twenty-first (21st) Judicial

District," have had the same under consideration, and recommend its passage. JOHN W. HARRIS, Chairman.

The report was adopted.

On motion of Mr. Delany, the bill was laid on the table subject to call.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 19, to be entitled "An act to aid in the recovery of stolen property," have had the same under consideration, and propose a substitute therefor, and have instructed me to recommend the passage of said substitute, which is herewith submitted. JOHN W. HARRIS, Chairman.

The substitute having been read, the report was adopted, and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 40, to be entitled "An act to require outgoing officers to turn over to their successors all books, papers, and other property pertaining to the several offices of this State," have had the same under consideration, and being of the opinion that there is no necessity for such a law, recommend that said bill be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 281, to be entitled "An act to amend an act to adopt and establish a Penal Code for the State of Texas," have considered said bill and recommend that it be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted, and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 386, to amend "An act to fix the times of

holding the district courts in the Twenty-first Judicial District," approved June 4, 1873, have had said bill under consideration, and respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

On motion of Mr. Delany, the bill and report were laid on the table subject to call.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 385, to be entitled "An act to limit the power of taxation in cities and towns, whose population does not exceed fifteen thousand," have had the same under consideration, and very respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

The report was adopted.

The bill having been read second time, Mr. Sayers offered the following amendment :

Insert at the end of section one, "or other valid laws."

The amendment was adopted.

Mr. McLeary moved to amend by inserting in section one, line twelve, after the word "contracted," the words "or may hereafter contract."

On motion of Mr. McCuiston, the amendment was laid on the table by the following vote :

YEAS—Mr. Speaker, Bean, Brown of Gregg, Bruce, Cain, Chambliss, Denman, Donald, Douglass, Easley, Eastland, Farrar, Footé, German, Harris, Hart, Hayes, Jackman, Jenkins, Johnson, Kemble, Linn, Manning, Massey, Matthews, McCuiston, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Rainey, Rogers, Rosborough, Sadler, Scott, Smith of Grimes, Stephens, Stuart of Falls, Walker, Watson and Watts—42.

NAYS—Messrs. Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Cochran, Delany, Epperson, Freeman, Galvan, Gellatly, Henderson of Kendall, Kessler, Lawhon, Lea, Lindsey, McLeary, Murphy, Price, Reeves, Roberts, Sayers, Schmidt, Smith of Travis, Storey, Triplett, Von Biberstein and Wortham—29.

Mr. Barziza offered the following amendment :

Add to section one, "*and provided further*, that this act shall not be construed to affect the power of any cities or towns to levy taxes as heretofore granted in their charter." The amendment was adopted.

Mr. Kessler moved to amend the bill and caption by striking out "fifteen" and insert in lieu thereof "three." Lost.

The bill was ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred Senate bill No. 33, to be entitled "An act to authorize the change of venue in civil cases," have had the same under consideration, and have proposed several amendments to said bill, and recommend that the bill with said amendments, herewith submitted, be passed.

JOHN W. HARRIS, Chairman.

Section one, lines four and five, strike out the words "the defendant," and insert in lieu thereof "either party," and in seventh line strike out "either" and insert "any."

Add to section one, "Third—For other good and sufficient cause to be determined by the presiding judge," strike out all after the word 'cause' in the seventh line of section third.

The amendments were adopted *seriatim*. The bill then passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, have considered the Senate bill No. 112, to be entitled "An act to amend section eleven of an act entitled an act concerning divorce and alimony," and recommend that said bill be not passed.

JOHN W. HARRIS, Chairman.

The report was adopted, indefinitely postponing the bill.

A message from the Senate announced the passage by that body of Senate bill No. 323, to regulate the right of suffrage in the incorporated towns and cities in the State of Texas, and that it had adopted the House concurrent resolution to appoint a Joint Committee to examine the Bureau of Tax Rolls, in the Comptroller's office, and had appointed Senators Baker and Moore a committee thereunder on the part of the Senate.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, have considered House bill No. 110, to be entitled "An act to regulate the registra-

tion of State warrants, etc., and recommend that said bill be not passed." JOHN W. HARRIS, Chairman.

The report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 340, to be entitled An act regulating the determination of civil causes by juries, and recommend that the same be not passed. JOHN W. HARRIS, Chairman.

The report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred the petition of the citizens of Grayson county, have had the same under consideration, and it is the opinion of the Committee that the Legislature has no right to decide or determine the matters therein complained, but that said matters properly belong to the courts, have instructed me to recommend that the relief asked for be not granted.

JOHN W. HARRIS, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 182, to be entitled "An act to dedicate to the use of Travis county, certain land in the city of Austin on which to erect a courthouse and jail, and to enable said county to build the same," have considered said bill and respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

The special order, Senate bill No. 30, "An act concerning landlords and tenants," was taken up.

Mr. Triplett moved to postpone the consideration of the bill and resume the call of Committees.

(Mr. Cochran in the chair.)

Mr. Brown of Harrison, moved to postpone the bill indefinitely.

Mr. Reeves moved to lay both motions on the table. Division of the question being called for, the motion to postpone indefinitely was laid on the table by the following vote:

YEAS—Messrs. Anderson, Bean, Brown, of Gregg, Bruce, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, German, Harris, Harrison, Hayes, Henderson, of Kendall, Jackman, Jenkins, Johnson, Kemble, Lindsey, Manning, Massey, Matthews, McCuiston, McLeary, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Pickett, Price, Rainey, Reeves, Rosborough, Sadler, Sayers, Schmidt, Simpson, Smith, of Travis, Stephens, Story, Stuart of Falls, Watson, Watts and Wortham—52.

NAYS—Messrs. Abner, Baliard, Barziza, Brown, of Harrison, Freeman, Gellatly, Hart, Kessler, Lea, Linn, Patterson, Rogers, Roberts, Scott, Smith of Grimes, Triplett, Von Biberstein and Walker—18.

Mr. Kessler moved a call of the House, which was sustained and ordered.

Absent—Messrs. Cain, Cardis, Galvan, Lawhon, Mitchell, Meissner and Murphy. Messrs. Meissner, Murphy, Lawhon and Galvan, being on Committee. The Sergeant-at-arms was dispatched for the absentees.

Messrs. Cardis, Lawhon, Galvan, Meissner and Murphy, having come in, Mr. O'Neal moved to suspend the call.

The House refused.

On motion of Mr. Sadler, the call was suspended.

The motion to postpone until the call of Committees was finished, was then laid on the table.

The bill was then taken up pending the amendment offered by Mr. Delany to strike out of the caption the words "Landlords and Tenants," and insert in lieu thereof, the words "Rents and Advances."

Mr. Triplett offered as a substitute for the caption and pending amendment thereto, the following: A bill to be entitled "An act concerning landlords and tenants, and annulling section second, Bill of Rights, Constitution of Texas; section seventh, Bill of Rights, State Constitution; section eighteen, Bill of Rights, State Constitution; section twenty-one, Bill of Rights, State Constitution; section twenty-two, Bill of Rights, State Constitution; section fifteen, article twelve, State Constitution, also repealing an act annulling section two of 'An act defining the home-

stead and other property exempt from forced sale,' passed August 15, 1870; except so much thereof as applies to landowners; also repealing and annulling section twenty-six of an 'An act prescribing the mode of proceeding in District Courts in matters of Probate,' passed August 15, 1870; in so far as it makes exemptions for the benefit of any one not land owners.'"

Mr. Reeves moved to reconsider the vote on yesterday engrossing House bill No. 43, to change a portion of the western boundary line of San Patricio county.

Leave being granted, Mr. McLeary submitted the following report:

COMMITTEE ROOM,
Austin, Texas, April 1, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee of Conference on the Senate amendments to House bill No. 128, "For frontier protection," met the Senate Committee and it was found that some important changes in said amendments were necessary to perfect the bill, and accordingly the Committee determined to report and ask the two Houses to make their respective Committees, Committees of Free Conference.

Respectfully submitted,

McLEARY, Chairman.

The report was adopted.

On motion of Mr. Linn the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

On motion of Mr. Pickett, the Committee of Free Conference on frontier bill were allowed to retire.

The landlord and tenant bill was resumed, pending the amendment by Mr. Delany, and the substitute therefor by Mr. Triplett. The House refused to adopt the substitute.

The hour for the special order, House bill No. 387, to provide for the sale of the lands granted to the Deaf and Dumb Asylum, having arrived, Mr. Storey moved to postpone it, until the pending bill should be disposed of, which was carried.

Mr. O'Neal moved a call of the House, which was sustained and ordered. None being absent unexcused, on motion of Mr. O'Neal, the call was suspended.

Mr. Scott offered the following substitute for the amendment :

Amend by striking out the caption and inserting in lieu thereof "an act to induce landlords on certain conditions to give to the farm laborers the use of forty acres of land and two mules, and advance provisions to subsist the laborer in making the crop."

On motion of Mr. Hayes, the substitute was laid on the table.

The pending amendment was then adopted.

Mr. Smith, of Grimes, moved to postpone the further consideration of the bill to July 4, 1874.

On motion of Mr. Denman, that motion was laid on the table. Mr. Triplett moved to recommit the bill to the Committee on Agriculture and Stock Raising. Mr. Harrison moved to lay that motion on the table, which was carried.

The question recurring upon the amendments offered by the Committee, they were adopted *seriatim*.

Mr. Sayers offered the following amendment :

Section one, line twelve; after the word "market" insert "*provided*, that said lien shall be declared in a written obligation for the same, and shall be recorded in the office of district clerk of the county in which the person to whom the advance is made, resides.

Mr. Easley moved the previous question, which was seconded, and the main question ordered by the following vote :

YEAS—Mr. Speaker, Anderson, Barziza, Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Denman, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Gellatly, German, Harris, Harrison, Hart, Hayes, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Rosborough, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Triplett, Von Biberstein, Walker, Watson and Watts—59.

NAYS—Messrs. Ballard, Bean, Brown of Harrison, Freeman, Galvan, Kessler, Meissner, Reeves, Rogers, Roberts, Scott and Smith of Grimes—12.

The House refused to adopt the amendment by Mr Sayers by the following vote :

YEAS—Messrs. Abner, Ballard, Barziza, Bean, Brown of

Harrison, Bruce, Douglass, Freeman, Galvan, Gellatly, German, Hart, Hayes, Jenkins, Johnson, Kessler, Lawhon, Lea, Linn, McLeary, Meissner, Nicholson, Patterson, Rogers, Roberts, Sadler, Sayers, Scott, Smith of Grimes, Triplett, Von Biberstein, Walker and Watson—33.

NAYS—Mr. Speaker, Anderson, Brown of Gregg, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Harris, Harrison, Henderson of Kendall, Jackman, Kemble, Lindsey, Manning, Massey, Matthews, McCuiston, Miller, O'Neal, Oxsheer, Patrick, Pickett, Price, Rainey, Reeves, Rosborough, Schmidt, Simpson, Smith of Travis, Storey, Stuart of Falls, Watts and Wortham—42.

The following amendment by Mr. Barziza, which had been offered previous to the call for the previous question, but overlooked, was put:

Amend section one by striking out all after the word "thereafter," in line thirty one, down to the word "provided," at the end of line thirty five.

The House refused to adopt the amendment. The bill was then passed to third reading by the following vote:

YEAS—Mr. Speaker, Anderson, Brown of Gregg, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Easley, Edwards, Epperson, Farrar, Foote, Harris, Harrison, Henderson of Kendall, Jackman, Johnson, Kemble, Lindsey, Manning, Massey, Matthews, McCuiston, Miller, O'Neal, Oxsheer, Patrick, Pickett, Price, Rainey, Reeves, Schmidt, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Watts and Wortham—42.

NAYS—Messrs. Abner, Ballard, Barziza, Bean, Brown of Harrison, Bruce, Douglass, Eastland, Freeman, Galvan, Gellatly, German, Hart, Hayes, Jenkins, Kessler, Lawhon, Lea, Linn, McLeary, Meissner, Nicholson, Patterson, Rogers, Rosborough, Roberts, Sadler, Sayers, Scott, Smith of Grimes, Triplett, Von Biberstein, Walker and Watson—34.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 43, "An act to change a portion of the western boundary line of San Patricio county;" House bill No. 48, "An act to

reorganize Young county;" House bill No. 203, "An act to create the county of Coke;" House bill No. 382, "An act to provide for payment of Lieutenant J. M. Elkins' company of minute men, organized in Coleman county;" House bill No. 415, "An act to prevent the leaving of dead animals in any of the public highways, roads, streets, or alleys in this State;" House bill No. 403, "An act to change the judicial relations of Angelina and Houston counties, and to provide the times for holding the courts to suit this change of relations;" and also, House bill No. 334, "An act amendatory of 'an act to define, establish, and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces,'" passed July 26, 1870, and find each correctly engrossed.

L. J. STOREY, Chairman.

Reports from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House bill No. 421, entitled "An act fixing the time for holding the district courts in the Twenty-second Judicial District," and presented the same to the Governor for his approval, this the first day of April, 1874, at 3:30 o'clock A. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House bill No. 187, entitled "An act to make an appropriation to complete the buildings of the Agricultural and Mechanical College of Texas;" also, House bill No. 315, entitled "An act to regulate proceedings in the Supreme Court," and presented the same to the Governor for his approval, this, the first day of April, A. D., 1874, at 3:30 o'clock P. M.

E. D. LINN, Chairman.

House bill No. 387, to provide for the sale of the land granted to the Deaf and Dumb Asylum, was taken up, pending the amendments offered by the Committee on Asylums.

The first amendment was adopted.

Mr. Smith, of Grimes, moved to strike out of the second amendment the words "one dollar and fifty cents," and insert in lieu thereof "three dollars." Lost.

Mr. Triplett moved to adjourn. Lost.

The second amendment was adopted.

The third amendment was adopted.

Mr. Lea moved to amend section two, line nine, by striking out the words "without reference to," and inserting in lieu thereof "taking into consideration." On motion of Mr. Reeves, the amendment was laid on the table.

Mr. Smith, of Grimes, moved to strike out "one dollar and a half," and insert in lieu thereof "two dollars."

Mr. Douglass moved to lay that motion on the table, which was carried by the following vote:

YEAS—Mr. Speaker, Barziza, Bean, Brown of Gregg, Cain, Cardis, Chambliss, Cochran, Denman, Donald, Douglass, Easley, Edwards, Epperson, Foote, Galvan, German, Harris, Hart, Hayes, Henderson of Kendall, Jackman, Jenkins, Johnson, Lawhon, Lindsey, Manning, McCuiston, Miller, Nicholson, Oxsheer, Patrick, Pickett, Price, Rainey, Reeves, Rogers, Rosborough, Sadler, Sayers, Schmidt, Smith of Travis, Stephens, Stuart of Falls and Wort-ham—45.

NAYS—Messrs. Anderson, Ballard, Eastland, Farrar, Harrison, Lea, Massey, Matthews, McLeary, Meissner, Patterson, Simpson, Smith of Grimes, Storey, Triplett, Von Biberstein, Walker, Watson and Watts—19.

The bill was ordered engrossed.

On motion of Mr. Pickett, the House adjourned.

SIXTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 2, 1874.

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Mr. Chambliss.

On motion of Mr. McLeary, the Committee upon the Frontier bill were allowed to retire to meet the Senate Committee.

A message from the Senate announced the passage by that body of Senate bill No. 81, for the relief of the several

justices of the peace of the several counties of this State for assessing the taxes, State and county, in their respective counties, for the year 1873; and House bill No. 140, to punish the taking or destruction of certain products of the farm, garden, vineyard and orchards of this State, with amendments by the Senate.

The journal of yesterday was read and adopted.

Report from the Committee on Engrossed Bills:

COMMITTEE ROOM, }
April 1, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared, and find correctly engrossed, the following House bills, to-wit: House bill No. 19, "An act to aid in recovering stolen property;" House bill No. 182, "An act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same;" House bill No. 385, "An act to limit the power of taxation in cities and towns whose population does not exceed fifteen thousand;" and also, House bill No. 426, "An act to change and better define the north boundary line of San Patricio county."

L. J. STOREY, Chairman.

Senate bill No. 81, for the relief of the several justices of the peace of the several counties of this State for assessing the taxes, State and county, for the year 1873, was read first time and referred to Committee on Finance.

Senate bill No. 59, to authorize and allow the several county courts in this State to build courthouses and jails and make repairs and improvements for the benefit of the county, and to provide funds for the benefit of the same, was read first time. On motion of Mr. Storey, the rules were suspended, the bill was read second time, and passed to third reading. On motion of Mr. Storey, the rules were further suspended, the bill read third time, and passed by the following vote:

YEAS—Mr. Speaker, Abner, Barziza, Brown of Gregg, Cardis, Chambliss, Cochran, Delany, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Harris, Harrison, Hart, Hayes, Henderson of Kendall, Jackman, Jenkins, Linn, Manning, McLeary, Miller, Oxsheer, Pickett, Price, Rainey, Reeves,

Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—53.

NAYS—Messrs. Anderson, Ballard, Bean, Beck, Brown of Harrison, Bruce, Cain, Denman, Gellatly, German, Johnson, Lawhon, Matthews, McCuiston, Meissner, Nicholson, O'Neal and Patrick—18.

Mr. DeMorse moved that Senate bills on the first reading be read by caption only, and referred. Carried.

Senate Bill No. 283, making an appropriation to carry into effect an act entitled "An act authorizing quarantine on the coast of Texas and elsewhere within the State," approved June 10, 1870, was referred to Judiciary Committee No. 2.

Senate bill No. 105, to amend an act entitled "An act to incorporate the Austin and Short Line Railroad Company," passed May 30, 1873, was referred to the Committee on Internal Improvements.

Senate bill No. 140, regulating the sale of intoxicating liquors within a certain distance of any school, college or seminary of learning other than at a county seat, was referred to the Special Committee on the Ohio Liquor Law.

Senate Bill No. 138, to provide for the repayment to James J. Gathings, of Hill county, money illegally extorted from him by the State police, was referred to Judiciary Committee No. 2.

Senate bill No. 150, to grant land to the International Railroad Company, in lieu of bonds, on a portion of the line of its road, was referred to the Committee on Internal Improvements.

Senate bill No. 198, providing for the removal of county seats, was referred to the Committee on Counties and County Boundaries.

Senate Bill No. 323, to regulate the right of suffrage in the incorporated towns and cities in the State of Texas, was read first time. On motion of Mr. McLeary, the rules were suspended. The bill was read second time, and passed to third reading. On motion of Mr. Von Biberstein, the rules were further suspended, the bill read third time and passed.

Senate bill No. 160, to re-apportion the State of Texas into Congressional districts was taken up, pending House

amendments thereto, in which the Senate refused to concur.

Mr. Smith, of Grimes, moved that the House do not recede from their amendments.

Mr. McLeary called for a division of the question, so as to take up the amendments separately.

The House refused to divide.

Mr. Hayes moved to reconsider the vote refusing to divide. The House refused to reconsider.

The House refused to recede from its amendments.

Mr. Harris moved that the Speaker appoint a Committee of Conference on the disagreement between the two Houses, and that a like committee be asked on the part of the Senate. Carried.

Mr. Speaker appointed the following committee: Messrs. Harris, McLeary, Sadler, Jackman and Douglass.

House bill No. 140, to punish the taking and destruction of certain products of the farm, garden, vineyards and orchards of this State, was taken up, pending the following amendment by the Senate:

Add at end of Section one the following: "*Provided*, that children under sixteen years of age, so far as their depredations are confined to watermelons and fruit, shall not be subject to the penalties specified in this act."

Pending the discussion, messengers from Queen Mab were announced. They were received, and delivered the following invitation:

COURT OF QUEEN MAB,
Austin, April 2, 1874.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

It is the will and pleasure of Her Majesty, our Royal Mistress and Sovereign, Queen Mab, that the wise men of the land shall attend the festivities at her Royal Court in the good city of Austin, on the tenth day of this month of April, and to that end you, and each and every member of this House, is required to be present to do her honor.

Herein fail not at the risk of her sovereign displeasure.

OBERON, Prime Minister.

The Speaker on behalf of the House of Representatives returned thanks to Queen Mab and accepted the invitation.

Resuming the pending bill, the House refused to concur in the Senate amendment.

Senate bill No. 64, amendatory of "An act supplementary to 'An act authorizing the disposition and sale of the University Lands,'" approved August 30, 1856, approved November 12, 1866, was taken up, pending certain amendments thereto by the House, in which the Senate refused to concur. The House refused to recede from its first amendment.

Mr. Reeves moved that the House refused to recede from all its amendments, and that a Committee of Conference be raised, and a like Committee on the part of the Senate be requested. The motion carried. The Speaker appointed Messrs. Reeves, Stuart, of Falls, Story, Lea and German.

The House concurrent resolution to raise a joint committee of both Houses to investigate cases of bribery, etc., since 1868 was taken up, pending the following amendment by the Senate: Amend by striking out the word "concurrent" in the caption of the resolution and insert in lieu thereof the word "joint." After considerable discussion Mr. Hayes moved the previous question, which was seconded and the main question ordered. The House concurred in the Senate amendment by the following vote:

YEAS—Mr. Speaker, Anderson, Barziza, Bean, Brown, of Gregg, Bruce, Cain, Cardis, Chambliss, Cochran, Denman, DeMorse, Douglass, Easley, Eastland, Farrar, Foote, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Henderson, of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Meissner, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Price, Rainey, Rogers, Rosborough, Sayers, Schmidt, Simpson, Smith, of Travis, Smith, of Grimes, Stephens, Storey, Stuart, of Falls, Triplett, Von Biberstein, Watson and Watts—60.

NAYS—Messrs. Abner, Brown, of Harrison, Donald, Epperson, Freeman, Galvan, Kessler, McLeary, Pickett, Roberts, Scott and Walker—13.

A message from the Senate announced the passage by that body of Senate bill No. 130, to exempt the earnings of laborers, mechanics and artisans to a certain extent, from the payment of debts by legal process.

Senate bill No. 332, to further regulate proceedings in the Supreme Court.

Senate bill No. 212, to enable common carriers to dispose of unclaimed freight or baggage.

Senate bill No. 332, to further regulate proceedings in the Supreme Court, was read first time.

On motion of Mr. Storey, the rules were suspended, and the bill was read second time and passed to third reading.

On motion of Mr. Storey, the rules were further suspended, the bill was read third time and passed.

Senate bill No. 30, concerning rents and advances was read third time.

Mr. Triplett offered as a substitute therefor a bill to give a lien on the crops and stock for advances to assist in making a crop.

Mr. Stephens moved to lay the substitute on the table. Mr. Watts moved a call of the House which was seconded.

Absent—Messrs. Delany, Edwards, Kemble, Rainey, Rosborough, Sadler, Stuart, of Falls, and Stewart, of Montgomery.

Mr. Smith, of Grimes, moved to suspend the call, which carried.

The substitute was laid on the table by the following vote:

YEAS—Mr. Speaker, Anderson, Brown, of Gregg, Cain, Cardis, Chambliss, Cochran, Denman, DeMorse, Donald, Easley, Eastland, Epperson, Farrar, Foote, German, Goodwin, Harris, Harrison, Henderson, of Kendall, Jackman, Johnson, Kemble, Lindsey, Manning, Massey, McCuiston, Miller, O'Neal, Oxsheer, Patrick, Pickett, Price, Reeves, Schmidt, Simpson, Smith, of Travis, Stephens, Storey, Watts and Wortham—41.

NAYS—Messrs. Abner, Ballard, Barziza, Bean, Beck, Brown, of Harrison, Bruce, Douglass, Freeman, Galvan, Gellatly, Hart, Hayes, Jenkins, Kessler, Lawhon, Lea, Linn, Matthews, McLeary, Meissner, Murphy, Nicholson, Patterson, Rogers, Roberts, Sayers, Scott, Smith, of Grimes, Triplett, Von Biberstein, Walker and Watson—33.

Mr. Matthews offered the following amendment: Section one, line eighteen, after the word "property" insert provided the charges shall not be more than the lowest market value of such supplies, horses, etc., so furnished, unless by the consent of the purchaser."

Mr. Smith, of Grimes, moved the previous question, which was seconded and the main question ordered. The House refused to adopt the amendment. The bill then passed by the following vote:

YEAS—Mr. Speaker, Anderson, Brown, of Gregg, Cain, Cardis, Chambliss, Cochran, Denman, DeMorse, Donald, Easley, Eastland, Epperson, Farrar, Harris, Harrison,

Henderson, of Kendall, Jackman, Johnson, Kemble, Lindsey, Manning, Massey, McCuiston, Miller, O'Neal, Oxsheer, Patrick, Price, Rainey, Reeves, Schmidt, Simpson, Smith, of Travis, Stephens, Storey, Watis and Wortham—38.

NAYS—Messrs. Abner, Ballard, Barziza, Bean, Beck, Brown, of Harrison, Bruce, Douglass, Foote, Freeman, Galvan, Gellatly, German, Hart, Hayes, Jenkins, Kessler, Lawhon, Lea, Linn, Matthews, McLeary, Meissner, Murphy, Nicholson, Patterson, Pickett, Rogers, Rosborough, Roberts, Sayers, Scott, Smith, of Grimes, Triplett, Von Biberstein, Walker and Watson—37.

Senate bill No. 33, to authorize and provide for a change of venue in civil cases was taken up, read third time and passed.

Senate bill No. 120, to create and provide for the organization of the county of Camp, was read third time and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown, of Gregg, Bruce, Cardis, Chambliss, Cochran, Denman, Douglass, Epperson, Farrar, Goodwin, Harris, Harrison, Hart, Hayes, Henderson, of Kendall, Jackman, Jenkins, Johnson, Kemble, Lea, Lindsey, Linn, Manning, Massey, Matthews, O'Neal, Patrick, Price, Rainey, Rogers, Schmidt, Scott, Simpson, Smith, of Travis, Smith, of Grimes, Stephens, Storey, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—48.

NAYS—Messrs. Bean, Brown, of Harrison, DeMorse, Eastland, Foote, Freeman, Lawhon, McCuiston, Miller, Murphy, Oxsheer, Reeves, Rosborough and Roberts—15.

Leave being granted, Mr. Lea introduced a bill to annex a portion of the county of Liberty to the county of San Jacinto. Referred to the Committee on Counties and County Boundaries.

Mr. O'Neal presented a memorial from citizens of Harrison county, praying to be attached to Marion county. Referred to the Committee on Counties and County Boundaries.

Mr. Barziza introduced a bill to incorporate the Texas Tea Company. Referred to Judiciary Committee No. 2.

Mr. Hayes moved to call the roll and allow each member to introduce bills and present memorials. Carried.

On motion of Mr. McCuiston, the House adjourned.

EVENING SESSION.

House met. Roll called ; quorum present.

Absent—Messrs. Lindsey and Rainey.

On motion of Mr. Reeves, Mr. Pickett was excused for to-morrow on account of important business.

Leave being granted, Mr. McLeary submitted the following report :

COMMITTEE ROOM,
Austin, Texas, April 1, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee of Free Conference on House bill No. 128, entitled "An act to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans or other marauding or thieving parties," have met the Senate Committee and agreed that the Senate shall recede from their amendments which were not concurred in by the House, and that the following amendments shall be adopted in lieu thereof.

A. J. BALL, Chairman Senate Committee.

J. H. McLEARY, Chairman House Committee.

Amendments : Section 20. That in addition to the force herein provided for, the Governor be and he is hereby authorized to organize a battalion of mounted men, to consist of six companies, of seventy-five men each. The commissioned officers shall be one Major, who shall command the battalion, and one Captain and two Lieutenants for each company, and one Quartermaster. The battalion and company officers shall be appointed by the Governor, and shall be removed at his pleasure. Section 21. The pay of the officers and men shall be as follows: Major, \$125; Captains, \$100 each; Lieutenants, \$75 each; Sergeants, \$50 each; for all other non-commissioned officers, \$40 each; privates, \$40 each per month, and nothing shall be paid by way of commutation. Section 22. The Governor shall appoint a Quartermaster for this force, who shall discharge the duties of a Quartermaster, Commissary and Paymaster, and shall rank and receive the pay of a Captain, and give such bond as the Governor may require for the faithful performance of his duties.

Sec. 23. That the officers and men of this force shall be paid quarterly.

Sec. 24. That this force is not designed as a standing force, but shall always be under the command of the Governor, to be operated by his direction, in such manner, in such detachments, and in such localities as the Governor may direct, and the same shall be disbanded, and reorganized, or reassembled, from time to time, as in his judgment the exigencies of the frontier may demand.

Sec. 25. Each soldier and officer shall furnish his own horse, and, unless the same is killed in battle, shall not be paid for by the State.

Sec. 26. The Governor is hereby authorized to keep this force in the field as long as in his judgment there may be a necessity for such force, and soldiers who may volunteer in such service, shall do so for such term, not to exceed four years, subject to disbandment and reassemblage by order of the Governor.

Sec. 27. Whenever in the opinion of the Governor this force shall be insufficient to protect the frontier, he shall be authorized to call out the minute men or any part thereof hereinbefore provided for, which said force is hereby declared to be auxiliary and supplemental to the battalion of mounted men, authorized by this act.

Sec. 28. The State shall furnish all necessary ammunition, and to each officer and private of this battalion an improved breach-loading cavalry gun at cost; the guns furnished to be of the same kind and calibre, the price of which shall be deducted from the first money due the battalion.

Sec. 29. Each officer of the battalion and of the companies of minute men herein provided for shall have all the powers of a peace officer, and it shall be his duty to execute all criminal process directed to him, and make arrests under *capias* properly issued, of any and all parties charged with offenses against the laws of this State.

Sec. 30. That the Governor of the State is authorized to disband all troops now in service of the State for frontier protection as soon as practicable; and that they be allowed to retain all arms furnished by the State at the same price that the same were furnished to the State.

Sec. 31. That "An act entitled an act to provide for the protection of the frontier," approved June 13, 1870; also, "An act entitled 'an act to muster into service mounted men for the protection of the frontiers,'" approved November 25, 1871; also, "An act entitled an act to amend the

first section of an act entitled 'an act to muster into service minute men for the protection of the frontiers,' approved November 25, 1871," approved June 2, 1873, and all other laws and parts of laws heretofore enacted on the same subject, be and the same are hereby repealed.

Sec. 32. The Governor and the Adjutant General are hereby authorized and empowered to make all additional regulations, not contrary to the laws of this State, which are necessary to carry out the provisions of this act.

Sec. 33. That this act take effect and be in force from and after its passage.

The report was adopted.

Leave being granted, Mr. Epperson offered the following resolution:

Resolved, That the Chief Clerk be instructed to prepare and spread upon the journals of the House an alphabetical list of the members of the House, with their post-office, county and district.

The resolution was adopted.

Leave being granted, Mr. Delany submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Immigration, to whom was referred House bill No. 378, "To incorporate the Western Texas Immigration Association," have had the same under consideration and instruct me to report said bill back to the House and recommend that the same be referred to Judiciary Committee No. 2.

W. L. DELANY, Chairman.

The report was adopted and reference made.

On motion of Mr. Cochran, Mr. Murphy was excused for the evening to attend to official business on committee.

On motion of Mr. Lea, Mr. Smith, of Grimes, was excused for the evening on account of official business.

Mr. Ballard moved to call the roll for the introduction of bills. Lost.

House bill No. 19, "To aid in the recovery of stolen property," was read third time and passed.

House Bill No. 70, to repeal an act to authorize counties, cities and towns to aid in the construction of railroads, was read third time and passed.

House Bill No. 182, to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same, was read third time and passed.

On motion of Mr. Lawhon, Messrs. Rogers, Eastland and Nicholson were excused to allow them to attend a meeting of veterans of the Mexican war.

House Bill No. 252, granting pensions to surviving veterans of the Revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners, and the survivors of Deaf Smith's spy company, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of August 15, 1870, previous to January 1, 1874, was read third time.

Mr. DeMorse offered the following substitute for section fourteen: No pension for a period of time later than the first day of July 1874, shall be paid under the provisions of this act, unless the holder of a pension certificate shall prove to the satisfaction of the county court of the county in which he resides, that he has not sufficient property without the aid of such pension, which proof shall be forwarded to the Comptroller. The substitute was adopted.

Mr. Triplett offered the following amendment: That the proof herein required may be made before the Attorney General in all cases where the parties making it may belong to the Comptroller's office. The House refused to adopt the amendment.

The bill then passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Cain, Cardis, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Hart, Hayes, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Meissner, Miller, O'Neal, Oxsheer, Patterson, Price, Rogers, Rosborough, Roberts, Sadler, Schmidt, Simpson, Smith of Travis, Stephens, Story, Stewart of Montgomery, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—65.

NAYS—Messrs. Patrick and Scott—2.

Mr. Edwards stated he was paired with Mr. Eastland upon this bill.

On motion of Mr. Lawhon, Mr. Matthews was excused to allow him to attend a meeting of veterans of the Mexican war.

House bill No. 43, to change a portion of the western boundary line of San Patricio county, was taken up on its third reading pending a motion to reconsider the vote engrossing the bill. The motion to reconsider was put and failed to carry.

Mr. Galvan moved to postpone the further consideration of the bill until the next session of the Legislature. Lost.

The bill then passed by the following vote :

YEAS—Mr. Speaker, Anderson, Barziza, Bean, Brown of Gregg, Bruce, Chambliss, Denman, Donald, Easley, Epperson, Farrar, Foote, Gellatly, Goodwin, Harris, Hays, Jenkins, Johnson, Kemble, Lawhon, Lea, Lindsey, Linn, Manning, Massey, McCuiston, Miller, Oxsheer, Patrick, Price, Rogers, Rosborough, Sadler, Simpson, Smith of Travis, Stephens, Stuart of Falls, Triplett, Von Biberstein, Walker and Watson—42.

NAYS—Messrs. Abner, Beck, Brown of Harrison, Cochran, Delany, Edwards, Freeman, Galvan, German, Harrison, Hart, Henderson of Kendall, McLeary, Murphy, Reeves, Roberts, Sayers, Schmidt, Scott, Story, Watts and Wortham—22.

On motion of Mr. Lea, House bill No. 89, to adjust and define the western boundary line of San Jacinto county, was taken up, pending a substitute therefor offered by Mr. Smith, of Grimes.

Mr. Smith, of Grimes, withdrew his substitute and offered in lieu thereof the following amendment to the bill :

Strike out of section one all after the word "to-wit," in line seven, and insert in lieu thereof the following : "Beginning in the channel of Trinity river, at a point opposite the mouth of Carolina creek, in Walker county, running in a due line to a point five hundred varas east of D. F. Campbell's storehouse, in the town of Old Waverly, in Walker county ; thence in a due line to the point where the old Montgomery county line crosses Peach Creek, (known as the Elmore Spring Branch) ; thence down the channel of said Peach Creek to a point parallel with the thirtieth parallel and twenty minutes north latitude, in the county of Montgomery ; thence in a due line through one corner of Liberty county, to the channel of Trinity River, at the same point where the present southern line of Polk county

crosses the channel of said Trinity River; thence up the channel of said Trinity River, with its meanderings to the place of beginning."

The amendment was adopted and the bill ordered engrossed. On motion of Mr. Lea, the rules were suspended, the bill was read third time and passed.

House bill No. 403, to change the judicial relations of Angelina and Houston counties, and to provide the times for holding the courts to suit this change of relations, was read third time and passed.

Leave being granted, Mr. Brown, of Gregg, introduced a bill, to provide for the appointment of sheriffs *pro tem.* in certain cases, and prescribing the manner of qualification, and the duties of such officers, which was read first time, and referred to Judiciary Committee No. 2.

Leave being granted, Mr. Reeves submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee of Conference, to whom was referred the subject of the differences of the two Houses on Senate bill No. 64, "An act amendatory of 'an act authorizing the disposition and sale of the University lands,'" approved August 30, 1856, approved November 12, 1866, have considered the same and ask leave to submit the following report, and recommend its adoption, viz: That the House recede from its amendment to section seven, fixing the minimum of all sales at three dollars per acre, and that the Senate concur in all other amendments by the House.

W. H. TROLINGER, Chairman Senate Committee.

G. R. REEVES, Chairman House Committee.

The report was adopted.

House bill No. 48, to reorganize Young county, was read third time and passed.

Mr. Ballard moved to adjourn. Lost.

House bill No. 179, to create the county of Lee, was taken up, pending the following report from the Committee on Counties and County Boundaries.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 179, have had the same

under consideration, and the Committee instruct me to report the same back, and recommend that it do pass with the following amendments.

BROWN, of Gregg, Chairman.

Amendments to an act to create the county of Lee :

Strike out all after the fifth line of the first section to the word "down," in ninth line of same section, and insert in lieu thereof "at the north corner of the most north-western DeWitt survey; thence on a direct line to the junction of Alligator and Turkey Creek; thence;" also, strike out all after the word "County," in twenty-second line of the first section to the end of said section, and insert in lieu thereof "Thence on a direct line to the west corner of the A. P. Thompson survey; thence with the north-west boundary line of said Thompson survey, and with the north-western line of the Wood, Taylor and the most north-western DeWitt survey to the place of beginning."

Strike out in the first section all after the word "the," in fifteenth line, to the end of twentieth line, and insert in lieu thereof: "Point where said county line intersects the north-east line of the Rich'd Ross survey; thence in a direct line to the point in the north-east boundary line of Bastrop county, nearest to the south-west corner of the G. Eschberger survey; thence with said county line to the point where an extension of the north-east boundary line of the Aaron Culling league intersects said county line; thence with said extension of the north-east line of said A. Culling league to the east corner of said league; thence in a"

BROWN, of Gregg, Chairman.

On motion of Mr. Miller, the House adjourned.

SIXTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 3, 1874. }

House met; prayer by chaplain. Roll called; quorum present.

Absent—Henderson of Smith.

The journal of yesterday was read and adopted.

On motion of Mr. Linn, joint resolution No. 33, to raise a joint committee to investigate all cases of bribery, fraud

or corruption, connected with legislation since 1868, was read second time, and ordered engrossed.

On motion of Mr. Linn, the rules were suspended. The joint resolution was read third time and passed.

On motion of Mr. DeMorse, the rules were suspended, and business on the Speaker's table was taken up.

House bill No. 179, to create the county of Lee, was taken up on second reading pending certain amendments offered by the Committee on Counties and County boundaries; the amendments were adopted; the House refused to engross the bill.

House bill No. 351, to amend section four of "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your committee on Engrossed Bills have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 387, "An act to provide for the sale of the land to the Deaf and Dumb, the Lunatic and Blind Asylums," and also House bill No. 89, "An act to adjust and define the western boundary line of San Jacinto county." L. J. STOREY, Chairman.

A message from the Senate announced the passage by that body of Senate bill No. 110, to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof.

Senate bill No. 6, to regulate the sale of the homestead, and Senate bill No. 342, to authorize the Judge of the Sixth Judicial District to hold a special term of the District Court of Harrison county; also that the Senate had adopted the report of the Committee of Conference upon Senate bill No. 64, "An act amendatory of 'An act authorizing the disposition and sale of the University lands,'" approved August 30, 1856; approved November 12, 1866.

House bill No. 385, "To limit the powers of taxation in cities and towns whose population does not exceed fifteen thousand," was read third time.

Mr. Cochran moved to amend by striking out "not to exceed fifteen thousand" wherever those words occur. Carried.

The bill then passed.

House bill No. 391, "To regulate the election of aldermen in incorporated cities in this State," was read third time and passed.

House bill No. 334, "Amendatory of 'an act to establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces,'" passed July 26, 1870, was read third time and passed.

On motion of Mr. Sayers, Messrs. Miller and Von Biberstein were excused to allow them to attend to official business.

House bill No. 422, "Repealing 'an act to incorporate the town of Granberry, in Hood county, State of Texas,'" was read third time and passed.

House bill No. 230, "For the relief of Thomas Goggan & Bro.," was read third time and failed to pass by the following vote:

YEAS—Mr. Speaker, Abner, Ballard, Bean, Beck, Brown of Harrison, Bruce, Cardis, Chambliss, Cochran, DeMorse, Douglass, Eastland, Edwards, Epperson, Freeman, Galvan, Gellatly, Goodwin, Harris, Hart, Henderson of Kendall, Jackman, Kessler, Lawhon, Lea, Lindsay, Linn, McLeary, Meissner, Murphy, Price, Reeves, Sayers, Schmidt, Simpson, Smith of Travis, Stuart of Falls, Walker and Watts—40.

NAYS—Messrs. Brown of Gregg, Cain, Denman, Donald, Easley, Farrar, German, Harrison, Hayes, Jenkins, Johnson, Kemble, Manning, Matthews, McCuiston, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Rainey, Rogers, Rosborough, Smith of Grimes, Storey, Triplett, Watson and Wortham—29.

House bill No. 415, "To prevent the leaving of dead animals in any of the public highways, roads, streets or alleys in this State," was read third time.

Mr. McLeary moved to amend by inserting before the word "possession" the word "actual."

Mr. Linn moved to amend by inserting "*provided*, that nothing in this act shall apply to stock running in the range." Carried.

The bill then passed.

House bill No. 426, "To change and better define the north boundary line of San Patricio county," was read third time and passed.

House bill No. 382, "To provide for payment of Lieutenant J. M. Elkin's company of minute men in Coleman county," was read third time and passed.

House bill No. 203, "To create the county of Coke," was read third time. The House refused to pass the bill.

House bill No. 387, "To provide for the sale of the land granted to the Deaf and Dumb Asylums," was read third time.

Mr. Reeves moved to amend section five by striking out "two dollars" and inserting in lieu thereof "one dollar."

The amendment was adopted and the bill passed.

Leave being granted, Mr. Wortham submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Printing and Contingent Expenses, to whom was referred Senate bill No. 17, "An act making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature," have considered the same and instruct me to report the same back to the House and recommend its passage.

WM. A. WORTHAM, Chairman.

The bill having been read second time, the report was adopted and the bill passed to third reading.

On motion of Mr. McLeary, the rules were suspended, the bill was read third time and passed by the following vote :

YEAS—Mr. Speaker, Abner, Barziza, Bean, Beck, Brown of Gregg, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Galvan, Gellatly, German, Goodwin, Harris, Hart, Hayes, Henderson of Kendall, Jackman, Kemble, Kessler, Lawhon, Manning, Massey, Matthews, McCuiston, McLeary, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Price, Rainey, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Storey, Stuart of Falls, Triplett, Walker and Watson—58.

NAYS—Messrs. DeMorse, Foote, Meissner, Pickett, Watts and Wortham—6.

On motion of Mr. Reeves, the resolution offered by Mr. Lawhon, providing for the *sine die* adjournment of the Legislature April 1, 1874, was taken up, pending the amendment by Mr. Sayers, to strike out first and insert in lieu thereof fifteenth, and the amendment thereto by Mr. Linn to strike out fifteenth of April, and insert in lieu

thereof the first of May. The last amendment was laid on the table on motion of Mr. Storey.

Mr. Reeves moved to amend the amendment by striking out fifteenth and inserting in lieu thereof twenty-first. The amendment to the amendment was adopted.

Mr. Epperson moved to postpone the further consideration of the resolution until the call of committees now in progress should be completed, which carried.

Mr. Sayers moved to commence the call of committees immediately. Carried.

Mr. Smith, of Grimes, moved to reconsider the vote ordering the call of committees, which was carried.

Leave being granted, Mr. Stephens introduced a bill supplemental to an act entitled "An act to authorize and allow the several county courts in this State to build court-houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same," passed at the present session of the Legislature, which was read first time and passed to second reading.

On motion of Mr. Stephens, the rules were suspended and the bill was read second time.

Mr. Reeves moved to amend section one by striking out "three" and inserting in lieu thereof "five."

Lost.

Mr. Pickett moved to amend by striking out "three" and inserting in lieu thereof "four." Lost. The bill was ordered engrossed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Bean, Beck, Brown, of Gregg, Brown, of Harrison, Cardis, Chambliss, Cochran, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Goodwin, Harris, Henderson, of Kendall, Kessler, Lea, Manning, McLeary, Nicholson, Patterson, Price, Rainey, Rosborough, Sayers, Schmidt, Scott, Simpson, Smith, of Travis, Smith, of Grimes, Stephens, Storey, Stuart, of Falls, Watts and Wortham—45.

NAYS—Messrs. Bruce, Cain, DeMorse, Gellatly, German, Hart, Hayes, Jackman, Jenkins, Johnson, Kemble, Lawhon, Massey, Matthews, McCuiston, Meissner, O'Neal, Oxsheer, Patrick, Pickett, Reeves, Triplett and Walker—23.

Mr. Stephens moved to suspend the rules and put the bill on its final passage. Lost.

Leave being granted, Mr. Hayes introduced a bill to make an appropriation to defray the expenses of a battalion of mounted men to be raised under "An act of the Fourteenth Legislature." House bill No. 128, "to provide for the protection of the Frontier of the State of Texas, against the invasions of hostile Indians, Mexicans or other marauding or thieving parties," which was read first time and referred to the Committee on Finance.

Mr. Cochran moved to take up House bill No. 218, "to amend the sixth, seventh, eighth and ninth sections of an act entitled 'An act to protect the farming interest of the State,' passed May 16, 1873." The House refused.

Mr. Denman asked leave to present a petition. The House refused.

On motion of Mr. Sayers, the call of committees was resumed.

Reports from Judiciary Committee No. 1:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to which was referred Senate bill No. 22, to be entitled "An act to amend an act regulating elections," have had the same under consideration, and respectfully recommend its passage with the accompanying amendments of said bill.

JOHN W. HARRIS, Chairman.

Amendments: Section 1, line sixth from bottom, add the words "one or more," and strike out "and," and add "s" to "circuit." Strike out these words, "provided said words shall be wholly within one justice's precinct." Section 1, line twenty-seven, after the word "precincts" insert "where said precincts are without the limits of a town or city." Section 2, eleventh line from last after the word "not" insert "voted." Section 3, line twelve, after the word "not" insert "voted." Section 3, line forty-seven, strike out all of said section beginning with the word "provided" and insert the words thus stricken out in line thirty-seven, same section after the word "dollars." The amendments were adopted *seriatim*.

Mr. Cochran moved to amend by adding after the words "each political party," in section 4, line twenty-two the words "when convenient." The amendment was adopted and the bill passed to third reading.

Mr. Cochran moved to take up the resolution providing for one daily session only. Lost.

On motion of Mr. Epperson, Senate bill No. 342, to authorize the Judge of the Sixth Judicial District to hold a special term of the District Court in Harrison county was taken up, read first time and passed to second reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Epperson, the rules were further suspended, the bill was read third time and passed.

On motion the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

The special order, House bill No. 108, to regulate the fees of office, was taken up. On motion of Mr. Sayers, the House proceeded to consider the bill by sections.

Mr. Watts moved to postpone its consideration until Tuesday, April 7, 3 P. M., which was carried.

Reports from Judiciary Committee No. 1:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 399, to be entitled "An act to add additional counties to the Second Judicial District, and to prescribe the times of holding court in said district," have had the same under consideration, and have instructed me to recommend that the word 'additional' be stricken from the title of said bill, and the words 'the counties of Chambers, Liberty, Hardin and Jefferson' be inserted in lieu thereof, and to recommend the passage of the bill so amended.

JOHN W. HARRIS, Chairman.

The report was adopted, the bill was read second time, and ordered engrossed. On motion of Mr. Simpson, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 231, entitled "An act to incorporate the Galveston Cotton Exchange," have considered the same, and instruct me to report back said bill and recommend the passage of the same.

JOHN W. HARRIS, Chairman.

The report was adopted and the bill was read second time. On motion of Mr. Harris, the bill was temporarily postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 58, to be entitled "An act validating the authentication and registration of certain instruments of writing," and also the objections of the Governor to the passage of said bill, have had the same under consideration, and have adopted for the bill a substitute, which they regard as not liable to said objections, and they respectfully recommend the passage of the substitute, herewith submitted.

JOHN W. HARRIS, Chairman.

The report was adopted. The substitute was adopted, read second time and engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred the petition of the citizens of Wise county, who have settled on lands claimed by the Memphis, El Paso and Pacific Railroad Company, have considered the same, and if, in the judgment of the House, said petitioners are entitled to any relief, then this Committee recommend that said petition be referred to the Committee on Private Land Claims.

JOHN W. HARRIS, Chairman.

The report was adopted, and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 284, to be entitled "An act to regulate the order of business of the district courts of this State," have had the same under consideration, and have proposed a substitute for the original bill and respectfully recommend the passage of said substitute, which is herewith submitted.

JOHN W. HARRIS, Chairman.

Mr. Lea moved to lay the bill and report on the table. Carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 301, to be entitled "An act to amend an act amendatory of article two hundred and sixty-three of the Code of Criminal Procedure," passed April 27, 1871, have had the said bill under consideration, and respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 262, to be entitled "An act to amend the act to regulate the fees to be charged by the Commissioner of the General Land Office," have had the same under consideration and have instructed me to return the said bill, and to recommend that it be referred to the Committee on Public Lands and Land Office.

JOHN W. HARRIS, Chairman.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 383, to be entitled "An act to amend an act to authorize the county court of Comanche county to issue bonds in the name of said county, for the purpose of erecting public buildings and to fund the present indebtedness of said county, approved May 6, 1873," have proposed for said bill a substitute, and would most respectfully recommend the passage of said substitute which is herewith submitted.

JOHN W. HARRIS, Chairman.

The report was adopted, the bill was read second time and ordered engrossed.

Reports from Judiciary Committee No. 2.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Judiciary Committee No. 2, to whom was referred House bill No. 429, entitled "An act to provide for the appointment of sheriffs *pro tem.* in certain cases and pre-

scribing the manner of qualification and the duties of such office," has had the same under consideration and instruct me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Brown, of Gregg, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 408, entitled "An act relating to Sheriff's bonds," has had the same under consideration and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, the report was adopted and the bill ordered engrossed.

On motion of Mr. Epperson the rules were suspended and the bill was read third time.

Mr. Epperson moved to add to the bill an enacting clause. Carried.

The bill then passed by the following vote :

YEAS—Mr. Speaker, Anderson, Barziza, Bean, Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, Gellatly, German, Goodwin, Harris, Hart, Hayes, Henderson of Kendall, Jackman, Jenkins, Johnson, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Nicholson, O'Neal, Oxsheer, Patrick, Price, Rainey, Reeves, Rogers, Rosborough, Sadler, Sayers, Schmidt, Simpson, Smith of Grimes, Smith of Travis, Stephens, Story, Stuart of Falls, Von Biberstein, Watson and Wortham—60.

NAYS—Messrs. Abner, Ballard, Beck, Brown of Harrison, Freeman, Murphy, Scott, Triplett and Walker—9.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Judiciary Committee No. 2, to whom was referred House bill No. 341, entitled "An act to provide for the amendment of town and city charters," have had the same

under consideration and instruct me to report said bill back with the recommendation that it do pass.

B. H. EPPERSON, Chairman.

The bill having been read second time the report was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 215, entitled "An act to enforce the payment of occupation tax," has had the same under consideration and instructed me to report it back and to recommend that it be referred to the Committee on Finance.

B. H. EPPERSON, Chairman.

The report was adopted and the reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 320, entitled "An act to provide for supplying the records of Madison county destroyed by fire," has had the same under consideration and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

Mr. Bean moved to amend by inserting after the word "Madison" the words "Liberty, Montague, Angelina, Hays, Hill, Lampasas, Houston, Wise, Karnes, Trinity, Nueces and Webb." Carried.

Mr. Smith, of Grimes, moved to amend by inserting after the word "fire" the words "or otherwise."

Mr. Smith, of Grimes, moved to amend the caption by inserting after the word "Madison" the words "and certain other counties," and after the word "five" the words "or otherwise." Adopted. The bill was ordered engrossed. On motion of Mr. Smith, of Grimes, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred the following bills: House bill No. 253, entitled "An act

to incorporate the president and directors of Centre Point Male and Female College, Kerr county, Texas;" House bill No. 254, entitled "An act to incorporate Saint George's Society of San Antonio, Texas," and House bill No. 255, entitled "An act to incorporate the Polish Saint Albert's Association of San Antonio, Bexar," has had the same under consideration, and instructed me to report them back and recommend that they do not pass, because the objects sought can be obtained by the general act of incorporation.

B. H. EPPERSON, Chairman.

The report was adopted, and the bills indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 325, entitled "An act requiring county treasurers to make out and post monthly statements, and to punish them for failing or refusing to do so," have had the same under consideration and instructed me to report the same back, and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 54, entitled "An act to repeal an act to regulate the sale of land under decrees of courts, etc.," have had the same under consideration, and instructed me to report it back, and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill passed to third reading. On motion of Mr. Epperson, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 250, entitled "An act to protect the enclosed lands of any person from trespass by shooting, hunting,

fishing or fowling," have had the same under consideration, and instructed me to report the same back, and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, and the bill was ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, has instructed me to report the accompanying bill, House bill No. 433, entitled "An act regulating the issuance of attachments," and to recommend its passage. - B. H. EPPERSON, Chairman

(Mr. Smith, of Grimes, in the chair.)

The report was adopted, and the bill passed to second reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read second time and ordered engrossed.

Mr. Hayes moved to suspend the rules and put the bill on its final passage.

Mr. Goodwin moved to adjourn. *Lost.* The motion to suspend the rules then carried. The bill was read third time and failed to carry by the following vote :

YEAS—Messrs. Barziza, Brown of Gregg, Cain, Cochran, DeMorse, Easley, Epperson, Galvan, Goodwin, Harris, Hayes, Jackman, Kessler, Lea, Linn, Manning, Massey, Matthews, McLeary, Price, Sayers, Schmidt, Simpson, Smith, of Travis, Smith of Grimes, Storey, Stuart, of Falls, Von Biberstein, Watson and Wortham—30.

NAYS—Messrs. Abner, Anderson, Ballard, Bean, Beck, Brown of Harrison, Bruce, Chambliss, Denman, Donald, Eastland, Edwards, Farrar, Foote, Gallatly, German, Harrison, Hart, Henderson of Kendall, Jenkins, Johnson, Lawhon, Lindsey, McCuiston, Meissner, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Reeves, Rogers, Rosborough, Sadler, Scott, Stephens, Triplett, and Walker—39.

Report from Committee on Enrolled Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House Joint

Resolution No. 33, "To raise a committee to investigate cases of bribery, etc., since 1868," and presented the same to the Governor for his approval, this the third day of April, 1874, at 11 o'clock A. M.

E. D. LINN, Chairman.

Mr. Stuart, of Falls, moved to adjourn. Lost.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Judiciary Committee No. 2, to whom was referred House bill No. 94, entitled "An act to incorporate The Texas Detective Agency," have considered the same, and recommend its passage with the addition of sections six and seven herewith accompanying the bill.

B. H. EPPERSON, Chairman.

Additional sections reported by committee.

Section 6. That before said Agency shall operate under this act, it shall be regularly organized by the choosing of a President and Secretary, and such other officers as may be deemed necessary, and shall procure a corporate seal, and shall execute in its corporate capacity a bond with two or more good and sufficient securities, to be approved by the County Court of Harris county, for such sum as may be directed by said court, not less than five thousand nor more than thirty thousand dollars, payable to the Governor and his successors in office, conditioned that such Agency and its officers, members and employees will faithfully discharge all their duties under this act, and that no trespass or other injury, not authorized by law, will be committed by them or any of them, upon the person or property of another, and each and every officer, member and employee of said Agency, shall take and subscribe the oath prescribed by the Constitution; which bond and oath shall be recorded in the office of the Clerk of the County Court of Harris county. Said bond shall not be void on the first recovery, but may be sued on from time to time, in the name of any person injured, until the whole amount thereof is recovered.

Sec. 7. That this act shall take effect and be in force from and after its passage, and shall be subject to repeal by the Legislature at any time.

The House refused to adopt the report, and the bill was indefinitely postponed.

Mr. Triplett, by leave, offered the following resolution:
Resolved, That this Hall be tendered the Hon. H. McBride Pridgen on Saturday, April 4, 11 A. M., for the purpose of speaking on the subject of the Dawson Massacre. The House refused to adopt the resolution.

Mr. Galvan moved to reconsider the vote by which the House refused to engross House bill No. 179, to create the county of Lee.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee, to whom was referred House bill No. 299, "An act prescribing the time of holding the district court in the Thirty-fourth Judicial District," have had the same under consideration, and recommend that it do pass.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, and the bill was ordered engrossed.

Leave being granted, Mr. Murphy offered the following resolution :

WHEREAS, the time is drawing near for an adjournment of this session, and it appears to be the desire of the people that this session should be a short one ; therefore, be it

Resolved, That after the seventh day of April, 1874, no new matter be introduced in this House, either bill or otherwise, except communications from the Governor, or Heads of Departments, and that the roll be called on Monday, April 6, at 3 o'clock P. M., and all members who have bills, petitions or other matter, be allowed to introduce them and have the same referred to their proper committees.

Laid over under the rules.

Mr. Ballard moved to adjourn. Lost.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 396, entitled "An act to repeal section three hundred and fifty-three of 'an act prescribing the mode of proceeding in district courts in matters of Probate,'" have had the same under consideration, and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 395, entitled "An act to validate sale of town lots in Decatur, in Wise county," have had the same under consideration, and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed. On motion of Mr. Reeves, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 363, entitled "An act to amend the first section of an act entitled 'an act to prevent judgments from becoming dormant, and to create and preserve judgment liens,'" have had the same under consideration, and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time.

Mr. Sadler moved to adjourn. Lost.

The report was adopted, and the bill was ordered engrossed.

On motion of Mr. Epperson, one hundred copies of Senate bill No. 148, to limit the amount to be issued to the International Railroad Company, and to provide for the payment of the same, were ordered printed.

Mr. Storey introduced a bill to re-enact articles four hundred and eighteen and four hundred and nineteen of the district court act, approved March 16, 1848. Read first time and passed to second reading.

Mr. Denman presented a petition from citizens of Leesburg, Gonzales county, asking a repeal of act prohibiting the sale of liquor at that place. Referred to the Committee on Ohio Liquor Law.

Mr. Cardis introduced a bill to amend "an act to provide for districting the State of Texas into judicial dis-

tricts," approved July 8, 1870. Referred to Judiciary Committee No. 2; also, a bill to amend an act prescribing the times of holding the district courts in the several judicial districts of the State, approved August 10, 1870. Referred to Judiciary Committee No. 2.

Mr. Hayes introduced a bill, appropriating thirty thousand dollars for the mileage of the members of the Fourteenth Legislature. Referred to the Committee on Finance.

Mr. Douglass presented a petition from citizens of Johnson county, asking the passage of a bill similar to the Ohio Liquor Law. Referred to the Committee on Ohio Liquor Law.

Mr. Meissner presented a petition of Ahrenbeck Brothers for relief. Referred to the Committee on Internal Improvements.

Mr. DeMorse introduced a bill for the relief of the heirs of H. R. Runnels, assignee of E. S. Williams. Referred to the Committee on Private Land Claims; also, a bill to amend section five of "an act to reduce into one and amend the several acts concerning executions," approved January 27, 1842. Referred to Judiciary Committee No. 2.

Mr. Stuart, of Falls, introduced a bill to amend "an act to amend section one of an act to amend section thirty-four and thirty-six of an act prescribing the times of holding the district courts in the several judicial districts of this State," approved May 20, 1870; February 6, 1871; approved May 31, 1873, which was read first time and passed to second reading. On motion of Mr. Stuart, of Falls, the rules were suspended, the bill was read second time, and ordered engrossed. On motion of Mr. Stuart, of Falls, the rules were further suspended, the bill was third time and passed.

Mr. Rosborough moved to reconsider the vote, engrossing House bill No. 299, prescribing the times of holding the district courts in the Thirty-fourth Judicial District.

Mr. Rainey moved to reconsider the vote refusing to pass House bill No. 230, for the relief of Thomas Goggan & Brother, and the vote passing Senate bill No. 30, concerning rents and advances.

Mr. Hayes moved to reconsider the vote tabling House bill No. 284, to regulate the order of business in the district courts in this State.

A message from the Senate announced the passage by

that body of House joint resolution No. 21, making an appropriation for printing reports of departments.

House bill No. 351, to amend the fourth section of an act, entitled "an act to amend and supplemental to an act to provide for the incorporation of towns and cities," approved May 26, 1873.

House bill No. 266, supplemental to "an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements," approved April 12, 1871, with amendments by the Senate.

House bill No. 415, to prevent the leaving of dead animals in any of the public highways, roads, streets or alleys in this State, with amendments by the Senate.

House joint resolution No. 22, authorizing the Governor to settle the claim of Geo. W. Paschal; and that the Senate receded from its amendment to House bill No. 140, to punish the taking or destruction of certain products of the farm, garden, vineyard and orchards of this State.

On motion of Mr. Murphy, the House adjourned.

LIST OF MEMBERS
OF THE
HOUSE OF REPRESENTATIVES
OF THE
Fourteenth Legislature.

REPRESENTATIVES.	POSTOFFICE.	COUNTIES.	DISTRICT.
Bryan, Guy M, Speaker.	Galveston	Galveston	12th.
Abner, David	Marshall	Harrison	5th.
Anderson, B. B	Carthage	Panola	2d.
Ballard, W. P.	Hallettsville	Lavaca	25th.
Barziza, D U	Houston	Harris	14th.
Bean, Robert	Gainesville	Montague	22d.
Beck, Thomas	Navasota	Grimes	15th.
Brown, B. W.	Longview	Gregg	6th.
Brown, J F	San Saba	San Saba	28th.
Brown, Ed	Marshall	Harrison	5th.
Bruce, H. G.	Caddo Grove	Johnson	23d.
Cain, T. M.	Emory	Raines	10th.
Cardis, Louis	El Paso	El Paso	30th.
Chambliss, S. L.	Corsicana	Navarro	9th.
Cochran, J. H.	Dallas	Dallas	20th.
Delany, W. S	Columbus	Colorado	25th.
Denman, W. L.	Homer	Angelina	3d.
DeMorse, L. C.	Boston	Bowie	7th.
Donald, R. H.	Louisville	Denton	21st.
Douglass, A. M.	Covington	Hill	23d.
Easley, Sam A	Circleville	Williamson	28th.
Eastland, James	Nechesville	Anderson	4th.
Edwards, A. D.	Rockwall	Rockwall	4th.
Epperson, B. H.	Jefferson	Marion	7th.
Farrar, L. J.	Springfield	Limestone	9th.
Foote, G. A.	McKinney	Collin	21st.
Freeman, Jacob	Hempstead	Waller	13th.
Galvan, Jeremiah	Brownsville	Cameron	30th.
Gellatly, W.	Milam	Sabine	2d.
German, J. L.	Orangeville	Fannin	11th.
Goodwin, G. I.	Bryan	Brazos	18th.
Harris J. W.	Galveston	Galveston	12th.
Harrison, J M.	Will's Point	Van Zandt	4th.
Hart, A. J.	Barnard's Mills	Hood	23d.

REPRESENTATIVES.	POSTOFFICE.	COUNTIES.	DISTRICT.
Hayes, T. H.....	Gainesville	Cook.....	22d.
Helton, J. K.....	Clifton.....	Bosque.....	19th.
Henderson, J. B.....	Tyler.....	Smith.....	6th.
Henderson W. V.....	Boerne.....	Kendall.....	29th.
Jackman, S. D.....	San Marcos.....	Hays.....	27th.
Jenkins, C. S.....	Dangerfield	Titus.....	8th.
Johnson, F. L.....	Buena Vista.....	Shelby.....	2d.
Kemble, J. W.....	Waxahachie.....	Ellis	20th.
Kessler, A. L.....	New Braunfels.....	Comal.....	29th.
Lawhon, L. S.....	Helena.....	Karnes	24th.
Lea, J. V.....	Cold Springs.....	San Jacinto.....	15th.
Lindsey, W. M.....	Elmo.....	Kaufman	4th.
Linn, E. D.....	Victoria.....	Victoria.....	24th.
Manning, H.....	Butler.....	Freestone.....	9th.
Massey, J. V.....	Ashton.....	San Augustine....	2d.
Matthews, G. W.....	Garden Valley.....	Smith.....	6th.
McCuiston, M. H.....	Paris.....	Lamar	11th.
Mitchell, John	Caldwell.....	Burleson	16th.
McLeary, J. H.....	San Antonio.....	Bexar.....	29th.
Meissner, Max.....	Industry	Austin.....	13th.
Middleton, A. K.....	Johnson Station...	Tarrant	20th.
Miller, W. G.....	Bastrop	Bastrop... ..	26th.
Moody, W. L.....	Galveston	Galveston.....	12th.
Murphy, P. F.....	Corpus Christi...	Nueces.....	30th.
Nicholson, A. J.....	Honey Grove.....	Fannin.....	11th.
O'Neal, H.....	Linden.....	Cass.....	7th.
Oxsheer, W. M.....	Maysfield.....	Milam.....	17th.
Patrick, W. W.....	Calvert.....	Robertson.....	18th.
Patterson, G. W.....	Cooper	Delta.....	10th.
Pickett, G. B.....	Decatur.....	Wise.....	21st.
Price, R. J.....	Bastrop... ..	Bastrop.....	26th.
Rainey, Frank.....	Crockett	Houston.....	3d.
Reeves, G. R.....	Reevesville... ..	Grayson... ..	22d.
Rogers, L. M.....	Refugio	Refugio.....	24th.
Rosborough, D. D.....	Belton	Bell.....	17th.
Roberts, S.....	Marshall.....	Harrison	5th.
Sadler, Ira B.....	Gatesville	Coryell.....	19th.
Sayers, W. B.....	Gonzales	Gonzales.. ..	27th.
Schmidt, E. F.....	Houtson.....	Harris	14th.
Scott, G. R.....	Caldwell.....	Burleson	16th.
Simpson, J. B.....	Liberty.....	Liberty.....	1st.
Smith, F. E.....	Austin.....	Travis.....	28th.
Smith, J. T.....	Crockett.....	Houston, (d'ed)...	3d.
Smith, Tillman.....	Navasota	Grimes.....	15th.
Stephens, J. D.. ..	Comanche.....	Comanche.....	19th.

REPRESENTATIVES.	POSTOFFICE.	COUNTIES.	DISTRICT.
Storey, L. J.....	Lockhart...	Caldwell.....	27th.
Stewart, C. B.....	Montgomery	Montgomery & Harris.....	14th.
Stuart, E. C.....	Marlin	Falls	17th.
Swain, W. J.....	Clarksville	Red River.....	8th.
Triplett, D. H.....	Orange.....	Orange.....	1st.
Von Biberstein, H. R.....	Burton	Washington	16th.
Walker, T. J.....	High Hill.....	Fayette	26th.
Watson, John.....	Robbinsville....	Red River.....	8th.
Watts, P. S.....	Hardin.....	Hardin.....	1st.
Wortham, W. A.....	Sulphur Springs...	Hopkins.....	10th.

SIXTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 4, 1874. }

House met. Prayer by Rev. J. W. D. Creath. Roll called; quorum present.

Absent—Messrs. Henderson of Smith, and Patterson.

On motion of Mr. Brown of Gregg, Mr. Henderson of Smith was excused for the day on account of sickness.

On motion of Mr. Stuart of Falls, Mr. Stewart of Montgomery was excused for four days on official business connected with the Penitentiary.

The journal of yesterday was read and adopted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills, have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 395, "An act to validate sale of town lots in Decatur, in Wise county;" House bill No. 430, "An act supplemental to an act to authorize and allow the several county courts in this State to build court-houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same, 'passed at the present session of the Legislature;'" House bill No. 436, "An act to amend section one of an act entitled 'an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the District Courts in the

several Judicial Districts in this State,' approved August 10, 1870; approved February 6, 1871; approved May 31, 1873;'' and also House bill No. 320, "An act to provide for supplying the records of Madison and certain other counties therein named, destroyed by fire or otherwise."

L. J. STOREY, Chairman.

Mr. Stephens moved to take up House bill No. 430, "supplemental to 'An act entitled an act to authorize and allow the several county courts in this State to build courthouses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same,' passed at the present session of the Legislature." Carried. The bill was read third time and passed.

Leave being granted, Mr. Meissner submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Special Committee, consisting of Messrs. Harris, Linn and Meissner, to whom was referred a "Resolution inquiring whether a vacancy exists in the representation from the Thirteenth Senatorial District," have had the same under consideration, and from the evidence obtained, your Committee finds that one I. N. Baughman was elected as one of the Representatives from said District, and that a certificate of election was duly forwarded to him by the presiding justice of Austin county, he being the returning officer of the District. It appears from an affidavit of the presiding justice of Wharton county, dated March 9, 1874:

First, That the said I. N. Baughman left Wharton in the night of the fifteenth of December, 1873.

Second, That his name is not on the Registration rolls of the District, and

Third, That as late Sheriff of Wharton county, he is still indebted to said county, in a considerable amount of money.

Your Committee also finds from the evidence, that the said I. N. Baughman is at present a resident of the city of Shreveport, Louisiana, that he does not intend to return nor qualify as a member of the Fourteenth Legislature. Considering the premises, your Committee would respectfully recommend, that a vacancy be declared in the repre-

sentation of the Thirteenth Senatorial District, and the Governor be requested to order an election in the said Senatorial District, to take place at the same time as the election for members of Congress in November next, for the purpose of electing a Representative to fill the said vacancy. Respectfully submitted,

MAX MEISSNER, Chairman.

The report was adopted.

Leave being granted, Mr. German submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Special Committee to whom was referred Senate bill No. 140, "An act regulating the sale of intoxicating liquors within a certain distance of any school, college or seminary of learning, other than at a county seat," have had the same under consideration and instruct me to report the same back for the favorable consideration of the House.

GERMAN, for Committee.

The report was adopted.

Mr. Kessler moved to postpone the further consideration of the bill until April 16, 1874, 11 A. M., and make it special order for that hour. Lost.

Mr. Kessler offered the following amendment: Section four, line one, amend so as to read "*Provided*, that two-thirds of the registered voters of such school district, shall vote for the same.

Mr. Pickett moved to lay the amendment on the table. Lost.

Mr. Galvan moved to postpone the further consideration of the bill until after the next general election.

Mr. Kessler withdrew his amendment.

The motion to postpone was lost.

Mr. Kessler renewed his amendment.

Mr. Kemble moved to amend the amendment so as to allow two-thirds of those voting to carry the question.

Mr. Pickett moved to recommit the bill to Judiciary Committee No. 2, which carried.

Mr. Pickett asked leave to present a petition. House refused.

Mr. Watson moved to take up the Senate substitute for House bill No. 6, to ascertain the amounts due teachers of

public free schools and provide for the payment of the same. Lost.

Mr. Kessler moved to take up the special order, substitute House bill No. 162, to encourage manufacturing establishments and to exempt the structures, machinery and mechanical appliances thereof from taxation for ten years. The House refused.

Reports from Judiciary Committee No. 2, were resumed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 331, entitled "An act to repeal acts thirty and thirty-one of an act to organize the courts of Justices of the Peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," has had the same under consideration, and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time the report was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2. to whom was referred House bill No. 251, entitled "An act to organize the courts of Justices of the Peace and county courts, and to define their jurisdiction, approved August 13, 1872," has had the same under consideration and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time the report was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 216, entitled "An act to authorize the Justices of the Peace to take cognizance of certain cases therein named, relative to minors," has had the same under consideration and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, Mr. Denman offered the following amendment: *Provided* this act shall not apply to any person who has hired any minor from their parents, or legal representatives. The amendment was adopted.

Mr. Sayers offered the following amendment: Or to any minors over sixteen years of age.

Mr. Roberts moved to lay the amendment on the table.

Mr. Sayers withdrew his amendment. The bill was ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House Joint Resolution entitled, "Joint Resolution No. 31, instructing our Senators and requesting our Representatives to urge Congress to make a more equitable division of the State into Districts for the United States Courts," has had the same under consideration, and instruct me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill was ordered engrossed.

Mr. Epperson moved to suspend the rules and put the bill on its final passage. Carried. The bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 364, entitled "An act supplemental of an act to provide for and regulate mechanics, contractors and other liens in the State of Texas, approved November 17, 1871," has had the same under consideration, and instruct me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill was ordered engrossed.

On motion of Mr. Ballard, Mr. Patterson was excused for the remainder of the day on account of sickness.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 138, entitled "An act to provide for the re-

payment to James J. Gathings, of Hill county, money illegally extorted from him by the State Police," has had the same under consideration, and instruct me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

On motion of Mr. Sayers, the House went into Committee of the Whole. Mr. Sayers was called to the chair.

After discussion, the committee rose and recommended the passage of the bill. The report was adopted and the bill passed to third reading.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 246, entitled "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company," approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871, and an act supplemental thereto," approved May 2, 1873, has had the same under consideration, and instruct me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill was ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 369, entitled "An act to validate certain land certificates," has had the same under consideration, and instructed me to report the same back and to recommend that it be referred to the Committee on Private Land Claims.

B. H. EPPERSON, Chairman.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 194, entitled "An act to encourage the irrigation of lands in this State," has had the same under consideration, and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

Reports from Committee on Enrolled Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House Joint Resolution No. 21, entitled "Joint Resolution, making an appropriation for printing Reports of Departments ;" also, House Joint Resolution No. 22, entitled, "Joint Resolution authorizing the Governor to settle the claim of George W. Paschal ;" also, House bill No. 140, entitled "An act to punish the taking or destruction of certain products of the farm, garden, vineyard and orchards of this State ;" also ; House bill No. 351, entitled "An act to amend the fourth section of an act entitled 'an act to amend and supplemental to an act to provide for the incorporation of towns and cities,' " approved May 26, 1873, and presented the same to the Governor for his approval, this the fourth day of April, 1874, at 11:30 o'clock A. M.

E. D. LINN, Chairman.

Report from Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House bill No. 399, "An act to add the counties of Chambers, Liberty, Hardin and Jefferson to the Second Judicial District," and to prescribe the times for holding the courts in said district, and find the same correctly engrossed.

L. J. STOREY, Chairman.

Leave being granted, Mr. Kessler introduced a joint resolution instructing our Senators and requesting our Representatives to oppose the reduction of the army of the United States by a bill now pending in Congress. The joint resolution was read first time and passed to second reading.

On motion of Mr. Kessler, the rules were suspended and the joint resolution was read second time.

Mr. Harrison moved to refer the joint resolution to the Committee on Military Affairs, which carried.

Leave being granted, Mr. Pickett presented a petition of citizens of Aurora, Wise county, asking prohibition of sale-

of liquor within two miles of that place. Referred to Judiciary Committee No. 2.

Mr. Sadler moved to reconsider the vote passing House bill No. 436, to amend an act to amend section one of an act to amend sections thirty-four and thirty-six, of an act prescribing the times of holding the District Courts in the several Judicial Districts in this State, approved August 10, 1870, approved February 6, 1871, approved May 31, 1873.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 388, entitled "An act concerning private corporations," have had the same under consideration, and instructed me to report the same back and to recommend its passage. This bill is the same in substance as that which is found upon the statutes, purporting to have passed on the .. day of 1870, but which is without the enacting clause ; and to remove every possible doubt in regard to the same, your Committee think it safest to re-enact the law in full.

B. H. EPPERSON, Chairman.

Amendments reported by the Committee :

Section 10. Changes may be made in the charter of any corporation, now in existence, by filing a statement of the changes to be made, duly signed by the directors and authenticated before the proper officer in the office of the Secretary of State, as is provided herein for the authentication and filing of original charters. The existence of corporations shall date from the time of filing the charter, and the certificate of the Secretary of State shall be evidence of the time of such filing.

Sec. 79. That all articles of association filed in the State Department since December 2, A. D., 1871, in accordance with the provisions of "an act concerning private corporations," purporting to have been passed on the twentieth day of December, 1871, are hereby validated as fully as if filed after the passage of this act.

Article 13—Bridges and ferries. Section 80. That whenever any person or persons shall file with the Secretary of State any article of association for the erection and maintenance of a bridge or ferry, it shall not be lawful for any other toll bridge or toll ferry to be established on the same stream, within the limits specified in said article ; *provided,*

that said limits shall not extend more than three miles above and three miles below said bridge or ferry; *and provided further*, that this section shall not be so construed as to prohibit bridges and ferries at the crossing of any road on such stream within such limits, declared either before or after the erection of such bridge or ferry to be a public road, by the county court of the county in which such crossing is situated.

Sec. 81. That all charges on tolls for crossing any bridge or ferry shall be regulated by the county court, by an order made at the regular term, and spread upon the minutes of said court.

Sec. 82. That all persons or corporate companies owning any toll bridge or ferry, shall be liable for all damages caused by neglect, delay, or the insufficiency of their bridge or ferry boat, which damages may be recovered before any court of competent jurisdiction.

Sec. 83. That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Sec. 84. That this act take effect and be in force from and after its passage.

The report of the committee was adopted. On motion of Mr. Sayers, the amendments were taken up and adopted *seriatim*.

The bill was ordered engrossed.

On motion of Mr. Epperson, the rules were suspended, the bill was read by caption third time, and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 259, entitled "An act to provide for and dispose of property bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest," has had the same under consideration, and instructed me to report the accompanying bill as a substitute, and to recommend its adoption and passage.

B. H. EPPERSON, Chairman.

The substitute having been read, the report was adopted, adopting the substitute, which was then ordered engrossed. On motion of Mr. Johnson, the rules were suspended, the bill was third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 8, entitled "An act to reorganize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and fix the times for holding the courts therein," have had the same under consideration, and instructed me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted. On motion of Mr. Nicholson, the bill was re-committed to Judiciary Committee No. 2.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 330, entitled "An act to amend an act, approved January 11, 1862, entitled 'an act prescribing the mode of establishing the liabilities of drawers, endorsers of bills of exchange and promissory notes,'" approved March 20, 1848, have had the same under consideration, and instructed me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 249, entitled "An act to amend section twenty-two of an act, entitled an act to amend an act, prescribing the mode of proceeding in district courts, in matters of probate," approved August 15, 1870, approved May 27, 1873, have had the same under consideration, and instructed me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

Leave being granted, Mr. DeMorse, for the Finance Committee, introduced a bill, making appropriations for the support of the State Government for the fiscal year beginning September 1, 1874, and ending August 31, 1875, and for deficiencies in former appropriations.

On motion of Mr. DeMorse, the bill was made special

order for Thursday, April 9, 12 m., and one hundred and twenty copies were ordered printed.

Mr. Storey introduced a bill, to reduce and equalize the mileage pay of members of the Legislature. Read first time, and passed to second reading.

Mr. Abner moved to adjourn. Lost.

Mr. Barziza introduced a bill, to prohibit the employment of penitentiary convicts upon any work of companies or associations incorporated under the laws of this State, and to punish all persons offending against this act. Referred to the Committee on the Penitentiary.

Mr. Brown, of Harrison, moved to suspend the rules, and call the roll for the purpose of allowing members to introduce bills. The House refused.

A message from the Senate announced the passage by that body, of Senate bill No. 79, to regulate the conduct of public officers in certain cases.

Senate joint resolution No. 340, relative to the cession of a certain portion of territory from the State of Arkansas to the State of Texas.

Senate bill No. 202, to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Melrose, in Nacogdoches county.

Senate bill No. 200, to provide for the establishment of a State Normal School.

Senate bill No. 158, providing for the condemnation and sale of damaged and useless arms, equipments and ammunition belonging to the State.

Senate bill No. 143, to regulate the quarantine of cities, towns and villages in the interior of the State.

Senate bill No. 104, providing for the time of holding the annual sessions of the Legislature of the State of Texas.

Senate bill No. 97, to require district clerks and other officers authorized and permitted by law, to take acknowledgment and proof of deeds and other written instruments, to keep a record of the same.

Senate bill No. 311, to authorize the International and Great Northern Railroad Company to issue bonds, and

House bill No. 430, supplemental to "an act to authorize and allow the several county courts in this State, to build courthouses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same," passed at the present session of the Legislature.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 248, entitled "An act making appropriation to pay the expenses and charges on books sent to the State Library, and postage in sending books in return," has had the same under consideration, and have instructed me to report it back and to recommend that it be referred to the Committee on Finance.

B. H. EPPERSON, Chairman.

The report was adopted, and reference made.

On motion of Mr. Pickett, the House adjourned.

EVENING SESSION,

House met. Roll called; quorum present.

Absent—Messrs. Abner and Ballard.

On motion of Mr. Manning, the Committee on Asylums was excused on account of official business.

Mr. DeMorse asked leave to withdraw the general appropriation bill, presented during the morning session, for the purpose of perfecting it. The request was granted.

Mr. Simpson moved to reconsider the vote passing House joint resolution No. 31, instructing our Senators and requesting our Representatives to urge Congress to make a more equitable division of the State into districts for the United States Courts.

Mr. Kemble asked leave to withdraw House bill No. 206, for the benefit of C. R. Gibson. Granted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House bill No. 408, "An act relating to sheriffs' bonds," and find the same correctly engrossed.

STOREY, Chairman.

On motion of Mr. Manning, the Committee on State Affairs submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on State Affairs to whom was referred House bill No. 380, "A bill to be entitled an act to regulate the management of railroad companies," has had the same

under consideration, and instruct me to report said bill back and recommend its passage.

W. B. SAYERS, Chairman.

The report was adopted.

On motion of Mr. Manning, the bill was postponed to April 9, at 11 A. M., made the special order for that hour, and one hundred copies were ordered printed.

A message from the Senate announced the passage by that body of House bill No. 157, to protect carpenters, mechanics and other workmen, etc.

House bill No. 205, to protect fish in the inland streams and waters of the State of Texas during the spawning season.

Mr. Lawhon moved to take up the resolution offered by Mr. Murphy, declaring that after April 7, no new matter shall be introduced, except communications from the Executive or Heads of Departments, and that on Monday, April 6, at 3 P. M. the roll be called and members allowed to introduce bills and present petitions and memorials, which shall be read by caption and referred to committees. The motion carried.

On motion of Mr. McLeary, Monday, April 6, was stricken out, and Tuesday, April 7, inserted in lieu thereof.

On motion of Mr. Denman, the introductory clause was stricken out.

Mr. Denman offered the following amendment: *Provided* this resolution shall not cut off any bill now pending, whose passage may require a supplemental bill to give effect thereto, or more fully explain its provisions.

Mr. Murphy accepted the amendment.

Mr. Smith, of Grimes, offered the following substitute for the resolution:

Be it resolved, That whenever this House shall finish all needful and necessary legislation, then this House shall adjourn at once without day.

On motion of Mr. Murphy, the substitute was laid on the table.

Mr. McCuiston moved to amend by striking out seventh and inserting in lieu thereof ninth. Lost.

Mr. Manning moved to lay the resolution on the table. Lost by the following vote:

YEAS—Messrs. Linn, Manning, Massey, McCuiston, Oxsheer, Pickett, Reeves, Sadler, Scott, Smith, of Grimes, Stephens and Triplett—12.

NAYS—Mr. Speaker, Barziza, Bean, Brown, of Harrison, Bruce, Cain, Cardis, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Freeman, Galvan, German, Goodwin, Harris, Harrison, Hart, Hayes, Henderson, of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lea, Matthews, McLeary, Meissner, Miller, Murphy, Nicholson, O'Neal, Patrick, Price, Rainey, Rogers, Rosborough, Roberts, Sayers, Schmidt, Simpson, Storey, Stuart, of Falls, Swain, Von Biberstein, Walker, Watson, Watts and Wortham—55.

Mr. Smith, of Grimes, moved to adjourn. Lost.

Mr. Murphy moved the previous question, which was seconded, and the main question ordered. The resolution was adopted.

On motion of Mr. Smith, of Grimes, the House adjourned.

SIXTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1874.

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Messrs. Jackman and Schmidt.

On motion of Mr. Storey, Mr. Jackman was excused for the day.

The journal of Saturday was read, corrected and adopted.

Mr. Cochran moved to take up the resolution offered by Mr. Lea, providing that hereafter the House will hold one daily session only to commence at 9 A. M. and close at 1:30 P. M., stating his object to be to allow Committees to consider important measures now before them, which they have no time for doing under the present rule. The motion carried and the resolution was taken up.

Mr. Cochran moved to amend the resolution so as to hold no evening session on Monday, Wednesday and Friday of each week.

Mr. Galvan moved to limit the resolution to this week.

Mr. Storey offered the following proviso: *Provided*, the session shall continue to 2 P. M. The amendment thus amended was adopted.

Mr. Pickett moved to strike out *2 P. M.*, which was carried. The resolution was adopted.

Mr. German moved to suspend the rules and take up House bill No. 6, to ascertain amounts due teachers of Public Free Schools and provide for the payment of the same. The House refused.

Mr. Denman moved to suspend the rules and that the Committee on Internal Improvements be instructed to report Senate bill No. 148, to "limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same."

Mr. Smith, of Grimes, moved to lay the motion on the table, which was carried.

Leave being granted, Mr. Storey presented the following resolution: *Resolved*, that the Committee on Engrossed Bills be authorized to employ an assistant engrossing clerk or clerks from time to time until the close of this session when necessary, and that said clerk or clerks be paid for the time actually employed at the same rate now paid to the engrossing clerk. The resolution was adopted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills, have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 259, "An act to appoint trustees to take charge of property bequeathed to the State of Texas for certain purposes by Oscar L. Holmes, and to carry into effect said bequest." House bill No. 330, "An act to amend an act approved January 11, 1862, entitled an act to amend an act entitled 'an act prescribing the mode of establishing the liabilities of drawers and indorsers of bills of exchange and promissory notes,' approved March 20, 1848." House bill No. 383, "An act to amend an act entitled 'an act to authorize the county court of Comanche county to issue bonds in the name of said county for the purpose of erecting public buildings and to fund the present indebtedness of said county.'" House bill No. 396, "An act to repeal section three hundred and fifty-three of 'an act prescribing the mode of proceedings in District Courts in matters of probate,' passed August 15, 1870, and also House bill No. 429, "An act to provide for the appointment of sheriffs *pro tem.* in certain cases, and

prescribing the manner of qualification and the duties of such officers."

L. J. STOREY, Chairman.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 430, entitled "An act supplemental to 'an act to authorize and allow the several county courts in this State to build courthouses and jails, and make repairs and improvements for the benefit of the county and to provide funds to defray the expenses of the same,' passed at the present session of the Legislature," and presented the same to the Governor for his approval, this the sixth day of April, 1874, at 10 o'clock A. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 205, entitled "An act to protect fish in the inland streams and waters of the State of Texas, during spawning season," and presented the same to the Governor for his approval, this the sixth day of April, 1874, at 10 o'clock A. M.

E. D. LINN, Chairman.

Business on the Speaker's table. Senate bill No. 22, to amend an act entitled "An act regulating elections," approved March 31, 1873, and an act entitled "An act to amend an act regulating elections," approved April 1, 1873, was read third time and passed.

Senate bill No. 138, to provide for the repayment to James J. Gathings, of Hill county, money illegally extorted from him by the State Police, was read third time and passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Bruce, Cain, Delany, Denman, DeMorse, Donald, Easley, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, German, Goodwin, Harris, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Kessler, Lea, Lindsey, Linn, Manning, Massey, Mitchell, McLeary, Miller, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Price,

Rainey, Reeves, Rogers, Rosborough, Sadler, Sayers, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stuart of Falls, Walker, Watson, Watts and Wort-ham—61.

NAYS—Messrs. Brown of Harrison, Eastland, Gellatly, Roberts, Story and Triplett—6.

Senate bill No. 415, "To prevent the leaving of dead animals in any of the public highways, roads, streets or alleys in this State," was taken up pending the following amendment by the Senate: "Amend section one by inserting after the word 'State,' in line eight, 'or within fifty yards of any of them.'"

The House concurred in the Senate amendment.

House bill No. 330, "To amend an act approved eleventh of January, 1862, entitled an act to amend an act entitled 'an act prescribing the mode of establishing the liabilities of drawers and indorsers of bills of exchange and promissory notes,'" approved twentieth of March, 1848, was read third time and passed.

House bill No. 383, "To amend an act entitled 'an act to authorize the county court of Comanche county to issue bonds in the name of said county for the purpose of erecting public buildings, and to fund the present indebtedness of said county,'" was read third time and passed.

House bill No. 266, "Supplemental to 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" approved April 12, 1871, was taken up pending the following amendment by the Senate: "1. Strike out the words 'towns and cities' wherever they occur in the bill. 2. Strike out the words, in section one, 'has heretofore voted.'"

The House refused to concur in the amendments.

House bill No. 396, "To repeal section three hundred and fifty-three of 'an act prescribing the mode of proceeding in matters of probate,'" passed August 15, 1870, was read third time and passed.

Senate bill No. 6, "To regulate the sale of the homestead," was read by caption first time and referred to Judiciary Committee No. 2.

Senate bill No. 212, "To enable carriers to dispose of unclaimed freight or baggage," was read by caption first time and referred to Judiciary Committee No. 1.

Senate bill No. 130, "To exempt the earnings of laborers, mechanics and artisans to a certain extent from the

payment of debts by legal process," was read first time by caption and referred to Judiciary Committee No. 1.

Senate bill No. 110, "To establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," was read by caption first time and referred to Judiciary Committee No. 2.

Senate bill No. 311, "To authorize the International and Great Northern Railroad Company to issue bonds," was read by caption first time and referred to the Committee on Internal Improvements.

Senate bill No. 97, "To require district clerks and other officers authorized and permitted by law to take acknowledgement and proof of deeds and other written instruments to keep a record of the same," was read by caption first time and referred to Judiciary Committee No. 2.

Senate bill No. 79, "To regulate the conduct of public officers in certain cases," was read by caption first time and referred to the Committee on State Affairs.

Senate joint resolution No. 340, "Relative to the cession of a certain portion of territory from the State of Arkansas to the State of Texas," was read by caption first time and referred to the Committee on State Affairs.

Senate bill No. 202, "To prohibit the sale of intoxicating or spirituous liquors in the vicinity of Melrose, in Nacogdoches county," was read first time by caption and referred to the Committee on Ohio Liquor Law.

Senate bill No. 200, "To provide for the establishment of a State Normal School," was read by caption first time and referred to the Committee on Education.

Senate bill No. 158, "Providing for the condemnation and sale of damaged and useless arms, equipments and ammunitions belonging to the State," was read by caption first time and referred to the Committee on Military Affairs.

Senate bill No. 143, "To regulate the quarantine of cities, towns and villages in the interior of the State," was read by caption first time and referred to the Committee on State Affairs.

Senate bill No. 104, "Providing the time of holding the annual sessions of the Legislature of the State of Texas," was read by caption first time and referred to the Committee on State Affairs.

On motion of Mr. Chambliss, the deferred special orders were taken up.

House bill No. 6, "To ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to July 1, A. D. 1873, and to provide for the payment of the same, and regulating verification and disbursement," was taken up.

On motion of Mr. Kemble, the House went into Committee of the Whole on the bill, Mr. Kemble being called to the chair.

After discussion, the committee rose and submitted the following amendments, and recommended that the bill thus amended do pass: "Amend section two by striking out the words 'available school fund' and inserting in lieu thereof 'any money.' Amend section three, line twenty-seven, by striking out the words 'appears to be' and inserting in lieu thereof 'is found.'" The report of the committee was adopted and the bill was passed to third reading.

On motion of Mr. Sayers, the rules were suspended and the bill was read third time.

Mr. Harrison moved to amend section one, also the caption, by inserting after "teachers" "and supervisors." Lost.

The bill then passed by the following vote:

YEAS—Messrs. Abner, Anderson, Barziza, Beck, Brown of San Saba, Brown of Harrison, Bruce, Chambliss, Cochran, Delany, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, German, Goodwin, Hart, Hayes, Henderson of Smith, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Mitchell, McLeary, Miller, Murphy, O'Neal, Oxsheer, Pickett, Price, Rainey, Rogers, Rosborough, Roberts, Sadler, Sayers, Smith of Travis, Smith of Grimes, Stephens, Story, Stuart of Falls, Swain, Triplett, Von Bibenstein, Walker, Watson, Watts and Wortham—61.

NAYS—Mr. Speaker, Bean, Cain, Denman, Gellatly, Harrison, Nicholson, Patrick, Patterson and Simpson—10.

House bill No. 402, "To amend sections three, eight, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, thirty-three, thirty-five and thirty-seven of 'an act to establish and maintain a system of public free schools in the State of Texas,'" passed April 30, 1873, was taken up, and the House proceeded to consider it by sections. Sections one and two were read and adopted.

Mr. McLeary moved to amend section three, line ten, by striking out the words "or modifications." The amendment was adopted and the section thus amended was adopted.

Section four was adopted.

Mr. German moved to amend section five by inserting after the word "president," in line fourteen, the words "and secretary." The amendment was adopted.

Mr. German moved to amend section five by striking out all after line sixteen and inserting in lieu thereof "and the secretary of said board shall keep a full record of all the proceedings of said board, which shall be signed by the president thereof. A majority of the board of directors shall constitute a quorum for organization, and for transacting any business." The amendment was adopted. The section was adopted.

Section six was adopted.

Mr. German moved to amend section seven by inserting after the word "Saturday" the words "and such other times as he may designate." The amendment was adopted.

Mr. German moved to amend section seven by striking out all after the word "service;" in line sixteen, and inserting in lieu thereof "if rendered on the last Saturday of the month, the county superintendent shall be allowed his *per diem* pay; and if rendered at other times he shall be allowed to charge each applicant the sum of three (\$3) dollars for each examination. And in special cases, to be approved by the State Superintendent, certificates may be issued to teachers of lower grade of scholarship than those holding regular certificates; *provided*, such certificates shall state the grade of such teacher; and they shall be employed in schools of such grade only in cases of necessity."

Mr. Sayers moved to lay the amendments on the table.

Division of the question being called for, the House refused to table the first section of the amendment. The last section was then laid on the table. The first section was then adopted.

Mr. Henderson, of Smith, moved to add to section seven the following: "If said examination be at any other time than the last Saturday in each month." Lost. The section was then adopted.

Section eight was adopted.

Mr. Cochran moved to amend section nine by substituting "Saturday" for "Monday," in line twenty. Carried. The section was adopted.

Mr. German moved to amend section ten by adding thereto "under oath of the presiding officer." The amendment was adopted. The section was then adopted.

Mr. German offered the following amendments to section eleven: "Line six, insert after the word 'election' the words 'or some other competent person residing in each district, to be appointed by the board of directors, in case of failure or counties from any cause.' After the word 'trustees,' in line fourteen, insert 'or such other person as may be appointed by the board of directors.'" The amendments were adopted.

Mr. Lea moved to amend section eleven, line fifteen, by striking out "five" and inserting in lieu thereof "ten."

Mr. Swain moved to amend by substituting "assessor and collector of taxes" instead of "trustees," wherever the latter word occurs.

A message from the Senate announced the passage by that body of Senate bill No. 168, "For the protection of game and birds," and Senate bill No. 72, "To amend an act entitled 'an act to authorize the cancellation of patents in certain cases,'" approved February 3, 1854.

On motion of Mr. Pickett, Mr. Reeves was granted leave of absence for ten days, beginning with the eighth instant.

On motion of Mr. Goodwin, the House adjourned.

SEVENTIETH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 7, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Mr. Abner.

Mr. Bean moved to suspend the reading of the journal until the morning printed journal was received.

Leave being granted, Mr. Cardis offered the following resolution:

Resolved, That the Chief Clerk of the House of Representatives be instructed to inform the Governor, that the proceedings of the Legislature are very badly printed, and

that the number of papers wherein the official proceedings of this House are published, are very tardily furnished, and that the Governor be respectfully requested to see that the matter is remedied. The resolution was adopted.

The roll was called to allow members to introduce bills and present petitions and memorials, to be read by caption and referred to committees.

(Mr. Cochran in the chair.)

Mr. Bryan introduced a bill granting pensions to Mrs. Julia Hall, widow of the late Col. W. D. C. Hall, and Mrs. Sarah A. Wharton, which was read first time.

On motion of Mr. Bryan, the rules were suspended and the bill was read second time.

Mr. Smith, of Grimes, offered the following amendment: after the words "Mrs. Sarah A. Wharton" insert "or any other lady seventy-six years old."

On motion of Mr. Manning, the bill was referred to the Committee on State Affairs.

Mr. Bryan also introduced a bill to define the duties of surveyors. Referred to the Committee on Public Lands and Land Office.

Mr. Ballard presented a petition of M. Dockery for relief. Referred to the Committee on Private Land Claims.

(The Speaker in the chair.)

Mr. Ballard also introduced a bill to create the office of State Mechanical and Inspecting Engineer, and to fix the salary and prescribe the duties of the same. Referred to the Committee on State Affairs.

Mr. Barziza presented a petition of Mrs. C. A. Curtis for relief. Referred to the Committee on Private Land Claims; also, introduced a bill to incorporate Hood's Texas Brigade Association. Referred to Judiciary Committee No. 2.

Mr. Brown, of Gregg, introduced a bill to incorporate the town of Gladewater, in Gregg county. Referred to the Committee on Towns and City Corporations.

Mr. Brown, of San Saba, introduced a bill to amend "An act approved March 4, 1874, entitled 'An act to amend 'an act prescribing the times of holding the District Courts in the several Judicial Districts in the State,' approved August 10, 1870. Referred to Judiciary Committee No. 1.

Mr. Chambliss introduced a bill to reduce the corporate limits of the city of Corsicana. Referred to the Committee on Towns and City Corporations.

Mr. Delany presented a petition of Jessie Burnam. Referred to the Committee on Claims and Accounts.

Mr. Douglass introduced a bill to prohibit the sale or disposition of intoxicating liquors within two miles of New Hope church and school house, in Johnson county. Referred to the Committee on Ohio Liquor Law.

Mr. Epperson introduced a bill to declare certain reservations hereinbefore made for the benefit of certain Indian tribes, vacant and subject to taxation. Referred to the Committee on Public Lands and Land Office; also, a bill to establish a Bureau of Statistics and History. Referred to the following Special Committee: Messrs. Epperson, Stuart, of Falls, Miller, Storey and Delany.

Mr. Edwards introduced a bill for the relief of the heirs and assignees of William H. Harris, deceased. Referred to the Committee on Private Land Claims; also, a bill for the relief of the heirs and assigns of Wm. Clark, deceased. Referred to the Committee on Private Land Claims.

Mr. Farrar introduced a bill to incorporate the Texas State Mutual Fire and Marine Insurance Company of Mexia, Limestone county, Texas. Referred to Judiciary Committee No. 1.

Mr. Farrar presented a memorial of the physicians and citizens of Limestone and Freestone counties, asking for the repeal of the occupation tax now imposed by law upon druggists for selling vinous and spirituous liquors. Referred to the Committee on Finance; also, a protest of citizens of Limestone county, against the dismemberment of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Freeman introduced a bill to attach the county of Waller to the Twenty-ninth Judicial District. Referred to Judiciary Committee No. 2; also, a bill to amend "An act prescribing the times of holding the District Courts of the several Judicial Districts of the State," approved August 10, 1870. Referred to Judiciary Committee No. 2.

Mr. Galvan introduced a bill to assist in the collection of taxes. Referred to Judiciary Committee No. 2.

Mr. Goodwin introduced a bill authorizing the Judge of the Twenty-eighth Judicial District to hold a special term of court in Brazos county. Referred to Judiciary Committee No. 2; also, a bill to prohibit the sale of intoxicating liquors within three miles of any school house in the town

of Millican, Brazos county, and to provide a punishment therefor. Referred to the Committee on Ohio Liquor Law, with a memorial of the people of Millican relative to the subject matter of the bill.

Mr. Harris introduced a bill for the relief of the heirs of John A. Wharton. Referred to the Committee on Private Land Claims; also, a bill to amend section one of "An act supplementary to an act to adopt and establish a penal code for the State of Texas," approved August 28, 1856, approved December 1, 1871. Referred to Judiciary Committee No. 2.

Mr. Hart introduced a bill authorizing His Excellency the Governor to take such steps as he may deem proper to secure the return of Santanta and Big Tree to the State Penitentiary. Referred to the Committee on Indian Affairs.

Mr. Hayes introduced a joint resolution to amend section six, article ten of the Constitution of the State of Texas. Referred to the Committee on Constitutional Amendments.

Mr. Henderson, of Smith, introduced a bill to amend section two of "An act to regulate the practice of medicine," passed May 16, 1873. Referred to the Committee on State Affairs.

Mr. Johnson introduced a bill to authorize the Commissioner of the General Land Office to issue a certificate for six hundred and forty acres of land to Isaac Raines. Referred to the Committee on Private Land Claims.

Mr. Kemble introduced a joint resolution reducing the mileage and *per diem* of members of the Legislature. Referred to the Committee on Finance.

Mr. Lawhon introduced a bill to legalize the headright and filed notes of James Henderson. Referred with accompanying papers to the Committee on Private Land Claims; also, a bill for the relief of Sam. Andrews. Referred to the Committee on Private Land Claims; also, a bill to validate a bounty land certificate for Wm. Fishbaugh, an Alamo soldier. Referred to the Committee on Private Land Claims.

Mr. Lindsey introduced a bill to authorize the County Court of Kaufman county to levy and collect a special tax for certain purposes. Referred to Judiciary Committee No. 1; also, a bill concerning overcharges by common carriers. Referred to Judiciary Committee No. 1.

Mr. Linn introduced a bill to create the county of King, in honor of Hon. Richard King, out of the western portion of the county of Nueces. Referred to the Committee on Counties and County Boundaries; also, a bill to give State aid in the removal of rafts and other obstructions from the Guadalupe and San Antonio rivers. Referred to the Committee on State Affairs.

Mr. Manning introduced a bill imposing a tax on dogs and fixing a penalty for its non-payment. Referred to the Committee on State Affairs.

Mr. McLeary introduced a bill to amend the twelfth section of "An act concerning proceedings in the District Courts," approved March 16, 1848, and to repeal the first section of an act further regulating proceedings in the District Courts, approved February 5, 1858. Referred to Judiciary Committee No. 2. Also, a bill for the relief of Wm. Lyons. Referred to the Committee on Claims and Accounts.

Mr. Murphy introduced a bill amendatory of "An act to prevent the herding of stock in certain lands therein named," approved June 2, 1873. Referred to the Committee on Agriculture and Stock raising.

Mr. Nicholson introduced a bill to relieve the heirs of John Davlin. Referred to the Committee on Private Land Claims.

Mr. O'Neal offered the following resolution:

Resolved, That the rule established prohibiting the introduction of new business in the lower House of the Legislature after the seventh inst., be and the same is hereby rescinded, and that the regular rules of the House be in full force and effect. Laid over under the rules.

Mr. O'Neal also presented a memorial from certain citizens of Harrison county, asking to be attached to the county of Marion. Referred to the Committee on Counties and County Boundaries.

Mr. Oxsheer introduced a bill making deduction from the salaries of public officers in certain cases. Referred to the Committee on State Affairs.

Mr. Patrick introduced a bill for the relief of the heirs of Welborn Jones, deceased. Referred to the Committee on Private Land Claims; also, a bill to incorporate the Young Men's Real Estate and Building Association of Calvert. Referred to the Committee on Commerce and Manufactures.

Mr. Patterson offered the following resolution :

Resolved, That the Committee on Public Buildings be instructed to inquire as to the most efficient means of protecting the public buildings and archives of the State of Texas against fire, and report by bill or otherwise, whenever they think proper. Referred to the Committee on Public Buildings and Grounds.

Mr. Reeves introduced a bill, to amend the fourth section of an act entitled "an act to establish, organize and define the powers of the criminal district court in and for the cities of Dallas, McKinney and Sherman," passed June 4, 1873. Referred to a Special Committee, composed of Messrs. Cochran, Foote and Hayes.

Mr. Rogers introduced a bill, to adjust between the counties of Refugio and Aransas a portion of the outstanding debt of Refugio county. Referred to the Committee on Counties and County Boundaries.

Mr. Rosborough presented a petition of citizens of Bell county, for the passage of a law to prohibit the sale of intoxicating liquors in certain bounds ; also, a remonstrance from citizens of Bell county, against the passage of such law. Both referred to the Committee on Ohio Liquor Law.

Mr. Sadler introduced a bill, to amend section one of an act entitled "An act to incorporate the city of Waco," passed April 26, 1871. Referred with accompanying petitions to Judiciary Committee No. 2.

Mr. Sadler also presented a petition from citizens of Hamilton county, asking for a donation of fifty acres of public domain for church purposes. Referred to the Committee on Private Land Claims.

Mr. Schmidt introduced a bill, to incorporate the Houston City Company. Referred to the Committee on Towns and City Corporations.

Mr. Scott introduced a bill, giving all laborers a lien upon the products of their labor, until the same is paid for. Referred to Judiciary Committee No. 2 ; also, a bill to create the office of State Sanitary Commissioner, with an agent in each county, and to fix the salary of said commissioner and one clerk, and to define the duties of said commissioner and his agents. Referred to Judiciary Committee No. 2 ; also, a bill for the relief of Mrs. S. Burnham. Referred with accompanying memorial to the Committee on State Affairs.

Mr. Simpson introduced a bill, to extend the provisions of House bill No. 16, entitled "an act to encourage stock

raising, and for the protection of stock raisers," to the counties of Liberty, Chambers, Jefferson and Orange, which was read first time. On motion of Mr. Simpson, the rules were suspended, the bill was read second time and ordered engrossed. On motion of Mr. Simpson, the rules were further suspended, the bill was read third time and passed.

Mr. Smith, of Grimes, introduced a bill, to amend article two hundred and fourteen of the Penal Code of the State of Texas. Referred to the Judiciary Committee No. 2.

Mr. Storey introduced a bill, to amend articles five hundred and forty-nine and five hundred and fifty-six of "an act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856. Referred to Judiciary Committee No. 2; also, a joint resolution, defining the rights of sureties of official bonds. Referred to Judiciary Committee No. 2; also, a joint resolution, making an appropriation of one hundred dollars to shelve the west end of the library room. Referred to the Committee on State Affairs; also, a bill for the relief of the heirs of John Davis. Referred to the Committee on Private Land Claims; also, a bill for the relief of Sam'l L. Chambliss. Referred to the Committee on Private Land Claims; also, a petition from school teachers in relation to the payment of vouchers due. Referred to the Committee on Education.

Mr. Stewart, of Montgomery, presented a petition asking the State to buy a library for the State penitentiary. Referred to the Committee on Penitentiary. Mr. Triplett introduced a bill to incorporate the Southeast Texas, White Oak, Cypress and Pine Timber Railroad Company. Referred to the Committee on Internal Improvements.

Mr. Von Biberstein introduced a bill to amend "an act prohibiting the sale of intoxicating liquors within three miles of Baylor University, Independence, Washington county, Texas. Referred to the Committee on Ohio Liquor Law; also, a bill for the relief of S. G. Wells. Referred to the Committee on Private Land Claims; also, a bill to establish rules for keeping the county surveyor's office. Referred to the Committee on State Affairs; also, a bill to amend an act entitled "an act to authorize the county courts of the several counties to keep up and improve roads and bridges," passed May 10, 1873. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Wortham presented a petition from the county court of Houston county asking the passage of a law authorizing

the county court of said county to levy a special tax for certain purposes. Referred to the Judiciary Committee No. 1.

Mr. Wortham also introduced a joint resolution authorizing the Board of Public Printing to receive certain printing therein specified, which was read first time. On motion of Mr. DeMorse, the rules were suspended, the joint resolution was read second time and ordered engrossed. On motion of Mr. Wortham, the rules were further suspended, the joint resolution was read third time and passed.

Mr. Bean introduced a bill, making an appropriation to defray the expenses of certain companies of State troops, ordered into frontier service by circular letter of Governor Davis, of date November 1st, 1873. Referred to the Committee on Finance; also, a bill to amend the third section of "an act for the benefit of actual occupants of the public lands." Referred to the Committee on Public Lands and Land Office; also, a bill to amend section three of an act entitled "an act to provide for the registration of births. Referred to the Committee on State Affairs.

Mr. Denman introduced a bill to amend article three hundred and ninety-two of the Penal Code. Referred to the Committee on Agriculture and Stock Raising; also, a bill to postpone the special elections for members of the Legislature. Referred to the Committee on Privileges and Elections.

Mr. DeMorse introduced a bill to amend article two hundred and thirty-seven of the Criminal Code. Referred to Judiciary Committee No. 1.

Mr. Kemble presented the following resolution:

Resolved, That the Committee on Education be requested to prepare and report a bill, to dispose of the one per cent. tax collected for school house purposes, in the years 1871, 1872 and 1873, and all that may hereafter be collected. Referred to the Committee on Education.

Mr. Storey offered the following resolution:

WHEREAS, It is right and proper that the *per diem* paid to porters of this Legislature should be equal and uniform, and

Whereas, those employed by the Senate have received four dollars per day from the beginning of this session; therefore,

Resolved, That the porters employed by this House shall receive four dollars per day, from the date of adoption of this resolution.

The resolution was adopted.

A message from the Senate announced the passage, by that body, of House bill No. 99, to repeal an act entitled "an act to locate the county seat of Trinity county," approved May 30, 1873.

House bill No. 19, to aid in recovering stolen property, with amendments by the Senate.

House bill No. 399, to add the counties of Chambers, Liberty, Hardin and Jefferson to the Second Judicial District, and to prescribe the times of holding court in said district.

House bill No. 89, to adjust and define the western boundary line of San Jacinto county, with amendments by the Senate.

House bill No. 280, making an appropriation to pay the fees due certain officers in cases of impeachment and address against judges, now pending before the Fourteenth Legislature; also, that the Senate had concurred in the House amendments to Senate bill No. 22; also, of the passage of Senate substitute for House bill No. 403, to reorganize the Fourth Judicial District of the State of Texas, and provide for holding the courts therein.

On motion of Mr. Denman, the last named bill was taken up, read first time, and adopted. On motion of Mr. Denman, the rules were suspended, and the bill was read second time.

Mr. Galvan moved to refer the bill to Judiciary Committee No. 1. Lost.

The bill passed to third reading. On motion of Mr. Denman, the rules were further suspended, the bill was read third time, and passed.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills, have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 301, "An act to amend article two hundred and sixty-three of the code of criminal procedure, passed April 27, 1871." House bill No. 325, "An act requiring County Treasurers to make out and post monthly statements and to punish them for failing or refusing to do so." House bill No. 331, "An act to repeal articles thirty and thirty-one of 'an act to or-

ganize the courts of Justices of the Peace and county courts and to define their jurisdiction and duties,' approved August 13, 1870." House bill No. 194, "An act to encourage the irrigation of lands in this State." House bill No. 246, "An act supplemental to an 'act to incorporate the Western Narrow Gauge Railway Company,' approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871, and an act supplemental thereto, approved May 2, 1873." House bill No. 249, "An act to amend section twenty-two of an act entitled 'an act to amend an act prescribing the mode of proceedings in District Courts in matters of probate,' approved August 15, 1870; approved May 27, 1873." House bill No. 251, "An act supplementary to 'an act to organize the courts of Justices of the Peace and county courts, and to define their jurisdiction,' approved August 13, 1870." House bill No. 341, "An act to provide for the amendment of town and city charters." House bill No. 363, "An act to amend the first section of an act entitled 'an act to prevent judgments from becoming dormant, and to create and preserve judgment liens,'" and also House bill No. 432, "An act validating the authentication and registration of certain instruments of writing."

L. J. STOREY, Chairman.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 415, entitled "An act to prevent the leaving of dead animals in any of the public highways, roads, streets or alleys in this State," also House bill No. 157, entitled "An act to protect carpenters, mechanics, artisans and other workmen," and presented the same to the Governor for his approval this the seventh day of April, 1874, at 10:30 o'clock A. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 128, entitled "An act to provide for the protection of the frontier of the State of Texas against the invasions of

hostile Indians, Mexicans, or other marauding or thieving parties," and presented the same to the Governor for his approval, this the seventh day of April, 1874, at 10:30 o'clock A. M.

E. D. LINN, Chairman.

On motion of Mr. Lea, House bill No. 89, to adjust and define the western boundary line of San Jacinto county, was taken up pending the following amendment by the Senate. Section 1, strike out the words "to a point parallel with the thirtieth parallel and twenty minutes north latitude in the county of Montgomery; thence in a due line through one corner of Liberty county to the channel of Trinity river, at the same point where the present southern line of Polk county crosses the channel of said Trinity river, thence up the channel of said Trinity river with its meanderings to the place of beginning," and insert "to where the lower line of R. L. Pace's survey crosses said creek." The House concurred in the amendment.

House bill No. 402, to amend sections three, eight, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, thirty-two, thirty-three, thirty-five and thirty-seven of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, was resumed pending an amendment to strike out "five cents" in section eleven, and insert in lieu thereof "ten cents," and an amendment by Mr. Swain. The first amendment was lost. Mr. Swain withdrew his amendment by consent of the House. Section eleven was adopted.

On motion of Mr. Cochran the House went into Committee of the Whole upon the bill.

Mr. Cochran was called to the chair.

After discussion the Committee rose and recommended the adoption of the following amendments, and that thus amended the bill do pass.

Amend section twelve, line four, by striking out "shall" and inserting in lieu thereof "may."

Amend section twelve, line six, by striking out the last word and inserting in lieu thereof "a." Same section, line seven, insert before the word "inhabitants" the word "majority," and strike out the words "neglect or refuse" and insert "petition the county court." Line nine, insert the word "said" before the word "county." Line thirteen, strike out "and" and insert in lieu thereof "rent-

ing or." Line sixteen, strike out "shall" and insert "may."

Sec. 15. That section twenty-seven shall hereafter read as follows: "All the scholastic population of the State shall be required to attend the public free schools at least four months in each year, unless prevented by ill health, feeble physical constitution, or by reason of danger from hostile Indians, or by the prevalence of any contagious or infectious disease; and no child under ten years of age shall be compelled to attend the public free schools when there is no school established within one mile of the residence of said child, and no child shall be so required unless there is a school within two miles; *provided*, that when any of the scholastic inhabitants may be shown to have received regular instruction for four months in each and every year, from any private teacher having a proper certificate of competency from the county superintendent, or from the president, principal or faculty of any incorporated seminary, college or university in this State, authorized to confer degrees, this shall exempt them from the requirements of this section. And when they so attend such private schools they shall receive their proportionate share of the school fund to be paid to their teachers, and by such teacher placed to the credit of such student upon the filing of the report by such teacher with the proper officer, as required of teachers of public free schools. But all of the scholastic inhabitants failing to attend the public free schools, except for causes heretofore specified, shall forfeit their interest in the public school fund for the time they so fail to attend the public schools; *provided*, that the board of trustees of any school district may adopt any private school established in their district, when the teachers of such school shall have obtained a certificate of competency, and shall conform to the general regulations of this act."

Section fifteen of the bill, strike out of lines thirteen and fourteen the words "the county, and belonging to the inhabitants of." Same section, lines nineteen and twenty, strike out, "of the inhabitants composing" and insert "situated in."

Substitute for section seventeen:

Sec. 34. The county treasurer shall be allowed one per cent. commission on all moneys paid in the county treasury belonging either to the public school fund or the dis-

strict school fund, and the same amount for paying out moneys; and he shall, before receiving any part of the school fund, execute to the county court an additional bond, to be approved by and payable to the county court of the proper county, in double the amount of the public school fund apportioned to the county, conditioned that he will faithfully receive and disburse all such funds as may come into his hands as the treasurer of the school fund.

Add to section eighteen the following: "*Provided, further*, that when any child or children have been sent to a private school, the parent or guardian of said child or children shall be entitled to their *pro rata* of the public school fund of the school district in which said parent or guardian resides, to be paid in the same manner as when the public free schools in said district have for any cause been suspended."

Sec. 19. Section seventeen of said act shall be so amended as to read as follows: "The county superintendent may, when the convenience of the scholastic population requires it, allow such scholastic population to attend the schools in the adjoining districts, and for this purpose may, when necessary, establish schools near the line of adjoining districts for the benefit of the scholastic population living remote from the schools in their respective districts; *provided*, the transfer of such child or children, as above authorized, shall not change the place of their enumeration. And the *pro rata* of public school fund, to which such scholastic population may be entitled, shall be paid over to the district in which they may attend school, under such regulations as may be established by the State Superintendent of Public Instruction. *Provided, further*, that the State Superintendent shall issue such instructions and regulations as will cause the parents of such scholastic population so transferred to contribute to the payment of deficiencies in the district in which their child or children may attend school, in the same manner as though they were residents of such district."

Amend section six by inserting after the word "district," in line five, the words "as small as practicable and;" and after the word "size," in same line, insert "and shape."

Amend section three by striking out of line seventeen "three thousand" and inserting in lieu thereof "two

thousand five hundred." Same section, strike out all after line nineteen and insert in lieu thereof "He shall be allowed two clerks; one at a salary of one thousand five hundred dollars, and the other at a salary of one thousand dollars per annum."

Section seven shall hereafter read as follows:

Sec. 7. The Superintendent of Public Instruction shall furnish to the county superintendent all forms, blanks, etc., as he shall deem necessary in making reports, and for any other uses of the public free schools, including certificates for teachers. He shall also cause to be printed by the State Printer, in pamphlet form, all school laws, regulations and forms for making reports, etc., for distribution to the county superintendents, teachers and trustees; *provided*, that the cost of such printing shall not exceed the amount appropriated by the Legislature for the same.

Amend section sixteen by inserting in line eleven, after the word "treasury," "except moneys arising from the collection of the one per cent. school tax, which shall be disposed of as the common school fund."

Sec. 21. That this act shall take effect and be in force from and after its passage.

Amend the caption by inserting after "three" (3) "seven" (7).

The report was adopted.

A message from the Senate announced the passage by that body of House bill No. 429, to provide for the appointment of sheriffs *pro tem.* in certain cases, and prescribing the manner of qualification and the duties of such officers; also of the adoption of the following concurrent resolution:

Resolved, That the hearing of the address against S. B. Newcomb, Judge of the Twenty-fifth Judicial District, be set for Friday next at 9 A. M.

Mr. Reeves moved to reconsider the vote adopting the resolution offered by Mr. Cardis relative to the printing of the journals.

Mr. Storey moved moved to lay that motion on the table. No quorum voting, on motion of Mr. Pickett, the House adjourned.

SEVENTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 8, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Mr. Scott.

The journal of Monday was read and adopted.

The journal of yesterday was read, corrected and adopted.

On motion of Mr. Kemble, the leave of absence of Mr. Middleton was made indefinite on account of sickness in his family.

A message from the Senate announced the passage by that body of a joint resolution authorizing the Governor to offer a reward of not exceeding three thousand dollars for the apprehension of the highway robbers who robbed the passengers and the United States mail on the San Antonio and Austin stage on the seventh of April, 1874.

On motion of Mr. McLeary, the joint resolution just received was taken up, read first time and passed to second reading.

On motion of Mr. McLeary, the rules were suspended, the joint resolution was read second time and passed to third reading.

On motion of Mr. Henderson, of Kendall, the rules were further suspended, the joint resolution was read third time and passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Ballard, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Cochran, Denman, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Hayes, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Price, Rainey, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Story, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—77.

NAYS—Mr. Pickett—1.

On motion of Mr. Ballard, Mr. Scott was excused for the day on account of sickness.

On motion of Mr. Lawhon, the Senate concurrent resolution setting Friday, April 10, 1874, as the day for the hearing of the address for removal of Hon. S. B. Newcomb, Judge of the Twenty-fifth Judicial District, was taken up. The resolution was adopted.

House bill No. 402, to amend sections three, seven, eight, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, thirty-two, thirty-three, thirty-five and thirty-seven of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, was resumed, being unfinished business on adjournment.

On motion of Mr. Jackman, it was referred to a special committee of five, with instructions to report thereon on Tuesday, April 14, 10 A. M., and it was made special order for that hour. The Speaker appointed the following Committee under the resolution: Messrs. Rainey, Delaney, Easley, Kemble and Meissner.

Mr. Rosborough moved to take up House bill No. 299, prescribing the time of holding the District Court in the Thirty-fourth Judicial District. Carried. The bill was taken up pending a motion to reconsider the vote ordering its engrossment.

Mr. Rosborough withdrew the motion to reconsider.

Mr. Rosborough offered the following amendment: Amend section second by striking out all after "December," seventh line, relating to Bell county, and insert "and may continue in session one week, and there shall be no jurors summoned for this term.

Adopted.

On motion of Mr. Stephens, the bill was temporarily postponed.

On motion of Mr. Wortham, Mr. Chambliss was excused for the day on account of sickness.

Leave being granted, Mr. Harrison introduced a bill to create an Auditorial Board for certain purposes therein named. Referred to Judiciary Committee No. 1.

Leave being granted, Mr. Rainey introduced a bill to prohibit the sale of intoxicating liquors within three miles of Jacksonville Collegiate Institute. Referred to the Committee on Ohio Liquor Law.

Leave being granted, Mr. Brown, of San Saba, introduced a bill to amend "An act to regulate the bearing and keeping of deadly weapons," approved April 12, 1871. Referred to Judiciary Committee No. 1.

Deferred special order House bill No. 162, "An act to encourage manufacturing establishments, and to exempt the structures, machinery and mechanical appliances thereof from taxation for ten years, was taken up.

On motion of Mr. Cochran, the House proceeded to consider the bill by sections.

Mr. Smith of Grimes offered the following amendment: Strike out all between and inclusive of "establishment" in line four and "shops" in line thirteen, and insert in lieu thereof "manufacturing establishments of any character whatever." The amendment was adopted.

Mr. Manning offered the following amendment: *Provided*, that all persons tilling the soil shall be exempted from taxes, and all homesteads.

Mr. Denman moved to lay the amendment on the table, which was carried by the following vote:

YEAS—Mr. Speaker, Abner, Ballard, Barziza, Brown, of Gregg, Cardis, Denman, Galvan, Goodwin, Harris, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Kessler, Lawhon, Lea, Lindsey, Linn, McCuiston, Miller, Oxsheer, Patrick, Patterson, Price, Rogers, Rosborough, Sayers, Schmidt, Simpson, Smith, of Travis, Stephens, Storey, Stuart of Falls, Triplett, Von Biberstein and Watson—38.

NAYS—Messrs. Anderson, Beck, Brown of San Saba, Brown, of Harrison, Bruce, Cain, Cochran, Donald, Douglass, Eastland, Edwards, Farrar, Gellatly, Harrison, Hayes, Jenkins, Johnson, Manning, Massey, Mitchell, Meissner, Murphy, Nicholson, O'Neal, Pickett, Rainey, Roberts, Sadler, Smith of Grimes, Swain, Walker, Watts and Wortham—33.

On motion of Mr. Storey, the bill was recommitted to the Committee on Commerce and Manufactures.

House bill No. 186, for the relief of certain citizens of Walker county, was taken up, being deferred special order.

Mr. Farrar offered as a substitute therefor a bill for the relief of certain citizens of Walker county and Limestone county. The substitute was adopted, read second time and ordered engrossed.

House bill No. 108, to regulate fees of office, was taken up, being deferred special order.

On motion of Mr. Sayers, the bill was taken up by sections, pending sundry amendments offered by Judiciary Committee No. 1.

On motion of Mr. Sayers, the House went into Committee of the Whole upon the bill.

(Mr. Epperson in the chair.)

After discussion the Committee rose, submitted the following amendments to the bill, and that thus amended, it do pass.

That the amendments offered by the committee be adopted with the following amendment:

Amend the last amendment to section three, by filling the first blank with "such member of," and the second with "as the District Court may direct;" also, in line five strike out "five" and insert in lieu thereof "ten;" also, strike out all after the word "traveled" in line six. Strike out the last two lines of section two.

Section 7. That clerks of the District and County Courts, Sheriffs, Coroners, Constables, Justices of the Peace and Notary Publics shall each make out, and keep posted up in some conspicuous place in their respective offices, a complete list of all fees allowed them in discharge of their official duties.

That the provisions of this act be suspended in the following counties until otherwise provided by law, to-wit: Hamilton, Comanche, Brown, San Jacinto, Shelby, San Augustine, Sabine, Nacogdoches, Nueces, Webb, Chambers, Liberty, Hardin, Tyler, Polk, Jasper, Newton, Orange, Austin, San Saba, Llano, Burnet, Blanco, Gregg, Karnes, Bee, Live Oak, San Patricio, Victoria, DeWitt, Goliad, Jackson, Calhoun, Refugio, Aransas, Kendall, Mason, Gillespie, Menard, Kerr, Bandera, Hill, Johnson, Hood, Parker, Erath, Palo Pinto, Jack, Eastland, Fayette, Montague, Wichita, Hardeman, Wegeforth, Knox, Greer, Cameron, Hidalgo, Starr, Zapata, Duval, Encinal, Webb, McMullen, LaSalle, Dimmitt, Maverick, Zavalla, Frio, Medina, Uvalde, Kinney, El Paso, Presidio, Pecos, Tom Green and Crockett.

Section three, line fifty-four, after the word "arrest" insert "and executing any other process not herein otherwise provided for." Same section, line sixty-nine, after

the word "allowed" insert "by;" same line strike out "two" and insert in lieu thereof "three."

The report of the committee was adopted.

Mr. Harrison moved to strike out "three" in line sixty-nine of section three and insert in lieu thereof "two."

On motion of Mr. Storey the amendment was laid on the table.

The bill was ordered engrossed.

Mr. Denman moved to suspend the rules and put the bill upon its passage.

The House refused.

Mr. Denman moved to reconsider the vote adopting the resolution of yesterday changing the pay of porters.

Mr. Storey moved to reconsider the vote re-committing House bill No. 162, to encourage manufacturing establishments, and to exempt the structures, machinery and mechanical appliances thereof from taxation for ten years.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 216, "An act to authorize justices of the peace to take cognizance of certain cases therein named, relative to minors." House bill No. 250, "An act to protect the enclosed lands of any person from trespass by shooting, hunting, fishing or fowling." House bill No. 364, "An act supplemental to an act entitled 'an act to provide for, and regulate mechanics, contractors, builders and other liens in the State of Texas,' " approved November 17, 1871. House bill No. 489, "An act to extend the provisions of House bill No. 16, entitled 'an act to encourage stock raising and for the protection of stock raisers to the counties of Liberty, Orange, Chambers and Jefferson; and, also, House joint resolution authorizing the board on public printing to receive certain printing as therein specified.'"

L. J. STOREY, Chairman.

The following communication was received from his Excellency the Governor, and ordered spread upon the journal:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 7, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

SIR—I have the honor to transmit herewith, a copy of the captions of all bills and joint resolutions passed by the Legislature, and approved by the Executive since March 30, 1874.

Very Respectfully,

RICHARD COKE, Governor.

Senate bill No. 80, "An act to prevent speculation by officers or ex-officers and agents in county, city and town contracts and liabilities," approved March 30, 1874.

House bill No. 421, "An act fixing the times for holding the District Courts in the Twenty-second Judicial District," approved April 2, 1874.

House bill No. 187, "An act to make an appropriation to complete the buildings of the Agricultural and Mechanical College of Texas," approved April 2, 1874.

House bill No. 315, "An act to regulate proceedings in the Supreme Court," approved April 2, 1874.

Senate bill No. 56, "An act to regulate the collection of accounts," approved April 2, 1874.

"An act to further regulate proceedings in the Supreme Court." Approved April 3, 1874.

Senate bill No. 323, "An act to regulate the right of suffrage in the incorporated towns and cities of the State of Texas." Approved April 3, 1874.

House joint resolution No. 21, "Joint resolution making an appropriation for printing Reports of Departments." Approved April 4, 1874.

House joint resolution No. 33, "Joint resolution that a joint committee be appointed whose duty it shall be to investigate all cases of bribery, fraud or corruption which may have accrued since the year 1868." Approved April 3, 1874.

House bill No. 140, "An act to punish the taking and destruction of certain products of the farm, garden, vineyard and orchards of the State." Approved April 4, 1874.

House joint resolution, No. 22, "Joint resolution authorizing the Governor to settle the claim of George W. Paschal." Approved April 4, 1874.

House bill No. 351, "An act to amend the fourth section of an act entitled 'an act to amend, and supplemental to an act to provide for the incorporation of towns and cities.'" Approved May 26, 1873. Approved April 4, 1874.

Senate bill No. 30, "An act concerning rents and advances." Approved April 4, 1874.

Senate bill No. 59, "An act to authorize and allow the several County Courts in this State to build courthouses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same." Approved April 6, 1874.

House bill No. 430, "An act supplemental to an act entitled 'an act to authorize and allow the several County Courts in this State to build courthouses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same,'" passed at the present session of the Legislature. Approved April 6, 1874.

House bill No. 205, "An act to protect fish in the inland streams and waters of the State of Texas, during spawning season." Approved April 6, 1874.

Senate bill No. 344, "An act to authorize the Judge of the Sixth Judicial District to hold a special term of the District Court of Harrison county." Approved April 6, 1874.

Senate bill No. 54, "An act to repeal an act entitled 'an act to regulate the sale of lands under the decrees of courts, approved the thirteenth day of August, 1870, and an act entitled an act to repeal the third section and amend the second section of an act entitled an act to regulate the sale of lands under the decrees of courts, approved the thirteenth day of August, 1870, passed eighth of May, 1871.'" Approved April 6, 1874.

Senate bill No. 17, "An act making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature of the State of Texas." Approved April 6, 1874.

Senate bill No. 120, "An act to create and provide for the organization of the county of Camp." Approved April 6, 1874.

House bill No. 280, "An act making an appropriation to pay the fees due certain officers in cases of impeachment and address against judges now pending before the Fourteenth Legislature." Approved April 7, 1874.

A message from the Senate announced the passage by that body of the following bills:

House bill No. 32, authorizing clerks of the District Court and Justices of the Peace to issue writs of garnishment in certain cases, with amendment by the Senate.

House bill No. 382, to provide for payment of Lieut. J. M. Elkin's company of minute men organized in Coleman county.

Senate bill No. 336, to make an appropriation to pay the contingent expenses of the Fourteenth Legislature.

Senate bill No. 103, to authorize the compilation of a complete alphabetical abstract of all the patented and located lands in the State.

Senate bill No. 257, to amend section ninety of an act to regulate proceedings in the District Courts, approved May 13, 1846.

Senate bill No. 307, to amend sections two and three of an act to define the Tenth Judicial District of the State of Texas.

Senate bill No. 316, making an appropriation for the salary of two of the Associate Judges of the Supreme Bench.

Senate bill No. 162, to authorize the several counties of this State to raise means to pay their present indebtedness.

Senate bill No. 245, to amend sections one and four of an act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman, passed June 4, 1873.

Senate bill No. 250, to regulate public roads in the State.

Senate bill No. 205, to attach the county of Waller to the Thirteenth Senatorial District.

Senate bill No. 244, to authorize justices of the peace to hold regular terms of their courts at such places in their precincts as may suit the wants of the people.

Senate bill No. 211, regulating the sale of land under executions and judicial decrees.

Senate joint resolution No. 194, authorizing the Adjutant General of this State to make application to the commanding general of the United States Army, for additional troops for the protection of the frontier of Texas.

Senate bill No. 127, to improve the navigation of the Sabine, Neches and Angelina rivers and Pine Island Bayou in the State of Texas.

Senate bill No. 99, to regulate pawnbrokerage, also that the Senate had appointed Senators Ireland, Dwyer and

Ball a Committee of Conference upon the disagreement on House bill No. 266, "An act supplemental to 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" approved April 12, 1871, and requested a like committee on the part of the House.

A further message announced the passage of Senate bill No. 299, to require sheriffs to execute new bonds in certain cases.

Leave being granted, Mr. Delany submitted the following report, with the request that it lie upon the table:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance to whom was referred Joint resolution No. 38, instruct me to report back the following substitute, and respectfully recommend its passage.

W. S. DELANY, Chairman,	L. C. DEMORSE,
J. W. KEMBLE,	R. J. DONALD,
JOHN H. COCHRAN,	P. S. WATTS,
W. B. SAYERS,	A. L. KESSLER,
L. J. FARRAR,	TILLMAN SMITH.
B. H. EPPERSON,	

The report and substitute were laid on the table, subject to call.

Leave being granted, Mr. Stewart, of Montgomery, introduced a bill to prevent the effectiveness of forged deeds, powers of attorney, notarial certificates and other writings, by requiring notaries public and other certifying officers of this State to file certificates to which their official signatures and the impressions of their seals of office shall be duly attached, with the Secretary of State and Commissioner of the General Land Office, within sixty days of the passage of this act. Referred to the Committee on Public Lands and Land Office.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House bill No. 89, entitled "An act to adjust and define the western boundary line of San Jacinto county;" also House bill No. 399, entitled "An act to add the counties of Chambers,

Liberty, Hardin and Jefferson to the Second Judicial District, and to prescribe the times of holding court in said district;" also, House bill No. 429, entitled "An act to provide for the appointment of sheriffs *pro tem.* in certain cases, and prescribing the manner of qualifications and the duties of such officers," and presented the same to the Governor for his approval, this, the eighth day of April, 1874, at 12 M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House bill No. 99, entitled "An act to repeal an act entitled 'an act to locate the county seat of Trinity county,'" approved May 30, 1873; also, House bill No. 280, entitled "An act making appropriation to pay the fees due certain officers in cases of impeachment and address against judges now pending before the Fourteenth Legislature," and yesterday at 12:30 P. M. presented the same to the Governor for his approval.

E. D. LINN, Chairman.

On motion of Mr. Lawlion, the House adjourned.

SEVENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,)

AUSTIN, April 9, 1874. (

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Messrs. Hays, Patrick and Schmidt.

On motion of Mr. Bean, Mr. Hayes was excused for the day on account of sickness.

On motion of Mr. Goodwin, Mr. Patrick was excused for the day on account of sickness.

On motion of Mr. Goodwin, Mr. Schmidt was excused until Tuesday next, on account of sickness in his family.

The following communication was read and ordered spread on the journal.

AUSTIN, Texas, April 8, 1874.

To the Hon. the House of Representatives, of the Fourteenth Legislature:

GENTLEMEN: Under instructions of the Committee of Arrangements of the Fire Department of the City of Aus-

tin, the officers and members of your honorable body are respectfully invited to participate in our annual parade, on the twenty-first day of April, at 2 o'clock P. M., celebrating the anniversary of the battle of San Jacinto.

Very Respectfully,

WM. BRUEGGERHOFF,
of Washington Steam Engine No. 1,
ED. CREARY, Colorado Engine No. 2,
W. W. ARCHER, Hook and Ladder No. 1.
Committee of Invitation.

The journal of yesterday was read. Mr. Galvan asked that the following correction be made :

“That the following counties be inserted in the list of those, in which the operation of House bill No. 108, to regulate fees of office, was to be suspended, until otherwise provided by law, to-wit : Nueces, Cameron, Hidalgo, Starr, Zapata, Duval, Encinal, Webb, McMullen, La Salle, Dimmitt, Maverick, Zavalla, Frio, Medina, Uvalde, Kinney, El Paso, Presidio, Pecos, Tom Green and Crockett. The correction was ordered.

Mr. Pickett asked that his name be recorded as voting in the negative upon the passage of the Senate joint resolution, authorizing the Governor to offer a reward of not exceeding three thousand dollars for the apprehension of the highway robbers, who robbed the passengers and United States mail on the San Antonio and Austin stage, on the seventh day of April, 1874. The correction was ordered. The journal was adopted.

Leave being granted, Mr. Meissner offered the following resolution :

Resolved, That the Sergeant-at-arms be instructed to procure a new United States flag, and have the same hoisted on the Capitol building during the sessions of the Legislature, in place of the one now in use.

The resolution was adopted.

On motion of Mr. Galvan, House bill No. 179, to create the county of Lee, was taken up, pending a motion to reconsider the vote by which the House refused to order its engrossment. The vote was reconsidered.

Mr. Von Biberstein offered the following amendment :

Amendment to section one of House bill No. 179 : Strike out all after fifth line of section one, and insert in lieu thereof : “At the north corner of the most north-western

DeWitt survey; thence on a direct line to the junction of Alligator and Turkey Creek; thence down Turkey Creek to its junction with Cedar Creek; thence down Cedar Creek to its confluence with the Yegua; thence up the Yegua to the mouth of the East Yegua; thence up the East Yegua to the point where said stream is crossed by the Milam and Burleson county line; thence with said line to the point where it intersects the north-east boundary line of the Richard Ross survey; thence in a direct line to the point where the third Yegua crosses the Burleson and Bastrop county line on the John Tom league; thence with said county line to the point in said line nearest to the east corner of the Elisha Marshal survey; thence in a direct line to the south-west corner of the David G. Green survey in Fayette county; thence in a direct line to the west corner of the A. P. Thompson survey; thence with the north-western line of the same and with the north-western line of the Wood, Taylor and the most north-western DeWitt survey, to the place of beginning.

The amendment was adopted. The bill was ordered engrossed.

Mr. Storey withdrew his motion to reconsider the vote recommitting House bill No. 162, to encourage manufacturing establishments, and to exempt the structures, machinery and mechanical appliances thereof from taxation for ten years, to the Committee on Commerce and Manufactures, and moved that that committee be allowed to report upon said bill. The motion was carried, and the committee submitted a report which was laid on the table, subject to call.

On motion of Mr. Sadler, House bill No. 179, to create the county of Lee, was taken up, read third time, and passed by the following vote:

YEAS—Mr. Speaker, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, Donald, Douglass, Easley, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Manning, Massey, Matthews, Mitchell, McLeary, Meissner, Patterson, Price, Rainey, Rogers, Roberts, Sadler, Sayers, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Story, Stewart of Montgomery, Swain, Triplett,

Von Biberstein, Walker, Watson, Watts and Wort-
ham—64.

NAYS—Messrs. Bean, Eastland, Kemble, Miller, Murphy
and Stuart of Falls—6.

On motion of Mr. Lawhon, the motion to reconsider the
bill tabling House bill, No. 234, to regulate the order of
business of the district courts of this State, was taken up.
The motion carried, and the bill was laid on the table sub-
ject to call.

The Speaker appointed the following Committee of Con-
ference, on House bill, No. 266, supplemental to "an act
to authorize counties, cities, and towns to aid in the con-
struction of railroads and other works of internal improve-
ments :—" Rainey, DeMorse, Henderson, of Kendall, Harris
and Manning.

On motion of Mr. Manning, deferred special order,
House bill, No. 174, to authorize the sale of the alternate
sections of lands, as surveyed by railway companies, and
set apart for the benefit of the common school fund, was
taken up, and the House proceeded to consider the bill by
sections. Sections one, two, three and four were adopted
seriatim.

Mr. Simpson moved to amend section five, by striking
out of line five "by" and inserting in lieu thereof "upon."
Carried.

On motion of Mr. Bean, the blank in line eight was filled
with "four."

Section five was then adopted. Sections six, seven, eight,
nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,
seventeen and eighteen were read and adopted *seriatim*.

Mr. Von Biberstein offered the following amendment to
section six: add at the close of the section, "*provided*, no
land shall be sold under the provisions of this act for a
price less than two dollars per acre."

On motion of Mr. DeMorse the amendment was laid on
the table.

Mr. Meissner offered the following amendment to section
six: "*Provided*, that no lands shall be sold under the pro-
visions of this act, at a less price than one dollar per acre.
The amendment was adopted.

Mr. Stuart, of Falls, offered the following amendment:
"*Provided*, that any person hereafter entering upon any of
said land, and making improvements thereon, without
complying with the provisions of this act, for the purchase

of the same, before making said improvements, then, and in that case, the improvement shall be taken into consideration, in valuing the same by the commissioners." The amendment was adopted.

Mr. Pickett offered the following amendment: Section thirteen, line three, after the word "purchaser" insert "who shall refuse to abandon such land." The amendment was adopted.

Mr. Henderson, of Smith, offered the following substitute for section sixteen: "That the proceeds arising from the sale of such lands shall be invested in United States interest bearing bonds, for the benefit of the common school fund." The amendment failed to carry.

Mr. Lea offered the following amendment: Amend section three by striking out all down to "shall" in line two, and inserting in lieu thereof, "the Governor of the State." Lost.

Mr. Von Biberstein offered the following amendment: Section two, strike out all after the word "applicant," in line twenty-three, and insert in lieu thereof, "also, one dollar to be paid by the applicant for his service in receiving and forwarding applications." Lost.

Mr. Lea moved to amend section three, line sixteen, by striking out the word "without" and inserting in lieu thereof "with." Lost.

The bill was ordered engrossed.

Mr. DeMorse moved to suspend the rules and put the bill on its third reading, which carried. The bill was read third time and passed.

House bill, No. 352, to create and provide for the organization of the county of Gordon, named in honor of Gen. John B. Gordon, of Georgia, was taken up.

Mr. Abner moved to recommit the bill to the Committee on Counties and County Boundaries, which carried.

House bill, No. 314, to provide against the evils resulting from the sale of intoxicating liquors, within the State of Texas, was taken up.

Mr. McLeary moved to indefinitely postpone the bill. Lost by the following vote:

YEAS—Messrs. Anderson, Ballard, Barziza, Brown, of Harrison; Cain, Denman, DeMorse, Epperson, Galvan, Gelatly, Henderson, of Kendall, Johnson, Kessler, Linn, Massey, Mitchell, McLeary, Meissner, Murphy, Von Biberstein—20.

NAYS—Mr. Speaker, Abner, Brown, of Gregg, Brown, of San Saba, Cardis, Cochran, Delany, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, German, Harris, Harrison, Hart, Helton, Jackman, Jenkins, Kemble, Lawhon, Lea, Lindsey, Manning, Matthews, McCuiston, Miller, Nicholson, O'Neal, Oxsheer, Patterson, Pickett, Price, Rainey, Rogers, Rosborough, Roberts, Sayers, Simpson, Smith, of Travis, Storey, Stuart, of Falls, Swain, Triplett, Walker, Watson, Watts and Wortham—50.

On motion of Mr. Sayers, the House went into Committee of the Whole upon the bill.

Mr. Epperson was called to the chair.

After discussion the committee rose, reported progress, and asked leave to sit again to-morrow, at 11 A. M. The report was adopted.

Report from the Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House bill, No. 388, "an act concerning private corporations," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House bill, No. 179, "An act to create the county of Lee," and find the same correctly engrossed.

L. J. STOREY, Chairman.

A message from the Senate announced that that body refused to concur in the House amendments to Senate substitute for House bill, No. 6, to ascertain the amount due the teachers of the public free schools of this State, for services rendered as teachers, prior to the first day of January, 1873, and to provide for the payment of the same; also, that it had passed Senate bill, No. 361, authorizing the Governor to postpone special elections for Senators and Representatives in certain cases.

On motion of Mr. Sayers, the last named bill (Senate bill, No. 361), was taken up, read first time and passed to second reading.

On motion of Mr. Rainey, the rules were suspended and the bill was read second time.

On motion of Mr. Harrison, the bill was temporarily postponed.

Mr. Smith, of Travis, offered the following resolution:

Resolved, That the use of the Hall of the House of Representatives be tendered to the Fire Department of the City of Austin, on the twenty-first day of April, 1874, from 2 P. M. to 5 P. M., for the purpose of celebrating the anniversary of the battle of San Jacinto. The resolution was adopted.

Mr. Epperson offered the following resolution:

Resolved, That the Speaker be authorized to employ one additional clerk to assist the Chief Clerk with the calendar and other work at his desk. The resolution was adopted.

On motion of Mr. Harrison, Senate bill, No. 307, to amend sections two and three, of an act entitled "an act to define the Tenth Judicial District of the State of Texas," was taken up.

On motion of Mr. Jackman, the House adjourned.

SEVENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 10, 1874. }

House met; prayer by Rev. Mr. Wilenburgh. Roll called; quorum present.

Absent—Mr. Brown of San Saba.

On motion of Mr. Meissner, Mr. Freeman was excused until Wednesday next.

The journal of yesterday was read and adopted.

A message from the Senate announced the adoption by that body of the following concurrent resolution;

Resolved, by the Senate, the House concurring, That the present session of the Fourteenth Legislature be adjourned without day, at 12 M., on the first Monday in May next.

On motion of Mr. Sayers, leave of absence was granted Mr. Storey for ten days from Monday next, on account of important business.

Mr. Rainey, on behalf of the joint committee to investigate cases of bribery, fraud or corruption connected with legislation, railroads, the judiciary, Executive, heads of departments, education, public buildings and printing—

since 1868, requested instructions from the House in regard to witnesses declining to testify on the ground of confidential relations, instancing the case of Hon. James H. Bell.

Mr. Swain moved to postpone the further consideration of the whole matter.

Mr. Simpson offered the following resolution :

Resolved, That in refusing to answer the questions propounded to him by the committee to investigate bribery and fraud, that James H. Bell be considered in contempt, and that he be imprisoned until he answer such legal questions as may be propounded to him by said committee.

Mr. Kessler moved to lay the resolution on the table. Lost by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Bean, Beck, Brown of Harrison, Donald, Douglass, Eastland, Epperson, Freeman, Galvan, Gellatly, Helton, Henderson of Kendall, Jenkins, Johnson, Kessler, McLeary, Meissner, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Price, Roberts, Scott, Smith of Travis, Stevens, Swain, Von Biberstein, Walker and Wortham—36.

NAYS—Messrs. Brown of Gregg, Bruce, Cardis, Chambliss, Cochran, Denman, DeMorse, Easley, Edwards, Foote, German, Goodwin, Harris, Harrison, Hart, Hays, Henderson of Smith, Jackman, Kemble, Lea, Lindsey, Manning, Massey, Matthews, McCuiston, Miller, Patterson, Pickett, Rainey, Rosborough, Sayers, Simpson, Smith of Grimes, Storey, Stewart of Falls, Triplett, Watson and Watts—38.

Mr. Douglass moved to postpone the further consideration of the resolution, until Monday, April 13, 10 A. M.

Mr. Hayes moved to lay that motion on the table.

Lost.

The motion to postpone then carried.

The chief clerk was instructed to inform the Senate that the House of Representatives was ready to receive them in joint session on hearing of the causes set forth in the address for the removal of Hon. S. B. Newcomb, judge of the Twenty-fifth Judicial District.

The Senate was announced and received.

The Speaker announced that the two Houses were in joint session on hearing of the address for removal of Hon. S. B. Newcomb, judge of the Twenty-fifth Judicial District.

Mr. Murphy, on behalf of the joint committee of both Houses to whom the examination had been committed, announced that the case would be opened, on the part of the State, by John W. Robertson, Esq., who would be followed by Hon. G. W. Jones, for the respondent, and that W. M. Walton, Esq. would close the case for the State.

Hon. G. W. Jones, on behalf of the respondent, made the point that the respondent had requested additional time in which to procure important witnesses for the defense, and that request having been denied by the joint committee, he wished to renew the request before the joint session and present to it the reasons for requesting such postponement before proceeding to the hearing of the causes presented for removal.

The Speaker decided that counsel would argue the question of postponement in connection with the causes for removal, and that each House of the Legislature would decide thereon in separate session.

Mr. Robertson opened the case for the State. At the close of his address, Hon. G. W. Jones replied for the respondent.

At 1 P. M., on motion of Senator Dillard, the Senate retired to its chamber.

Mr. Storey submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared and find correctly engrossed the following House bills to wit: House bill No. 186, "An act for the relief of certain citizens of Limestone and Walker counties;" House bill No. 174, "An act to provide for the sale of the alternate sections of land as surveyed by railroad companies and set apart for the benefit of the common school fund;" and also House bill No. 108, "An act to regulate fees of office."

STOREY, Chairman.

Mr. Harrison moved to take up Senate bill No. 307, to amend sections two and three of "An act to define the Tenth Judicial District of the State of Texas."

On motion of Mr. Lea, the House adjourned to 3 P. M.

AFTERNOON SESSION.

House met; roll called, quorum present.

Absent: Mesrs. Ballard, Barziza and Lea.

Mr. Triplett moved to take up Senate bill No. 316, making an appropriation for the salary of two of the associate justices of the Supreme Court, which carried. The bill was read first time and passed to second reading.

On motion of Mr. Triplett the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Sayers the rules were suspended, the bill was read third time and passed by the following vote:

YEAS—Mr. Speaker, Messrs. Abner, Anderson, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, Freeman, Gallatly, German, Goodwin, Harris, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Price, Rainey, Rosborough, Roberts, Sadler, Sayers, Simpson, Smith of Travis, Stephens, Story, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—68.

NAYS—None.

On motion of Mr. Henderson of Smith, Senate substitute for House bill No. 6, to ascertain amounts due teachers of the public free schools of this State for services rendered as teachers prior to the first day of January, 1873, and to provide for the payment of the same, was taken up pending the refusal of the Senate to concur in the House amendments thereto. The House refused to recede from its amendments, and asked a committee of conference thereon.

The Speaker appointed Messrs. Henderson of Smith, Kemble, Stuart of Falls, Harrison and German said committee on the part of the House.

The chief clerk was instructed to inform the Senate that the House of Representatives was ready to receive them in joint session on hearing of the causes for removal of Hon. S. B. Newcomb, judge of Twenty-fifth Judicial District.

On motion of Mr. Edwards, Senate bill No. 301, to amend sections two and three of "An act entitled an act to define the Tenth Judicial District of the State of Texas," was taken up and read first time.

On motion of Mr. Harrison, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Edwards, the rules were further suspended and the bill was read third time.

The Senate was announced and received.

Hon. G. W. Jones resumed his argument, pending which, on motion of Senator Ireland, the joint session adjourned to 9 A. M. to-morrow. The Senate then retired.

On motion of Mr. Delany, House bill No. 176, to fix the time of holding the District Court of the Twenty-first Judicial District, and House bill No. 386 to amend "An act to fix the time of holding the District Court of the Twenty-first Judicial District of the State of Texas," approved June 4, 1863, were taken up and referred to a special committee to be appointed by the Speaker. The Speaker appointed Messrs. Delany, Ballard, Meissner, Walker and Harris said committee.

On motion of Mr. Delany, the House adjourned.

SEVENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 11, 1874. }

House met. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Freeman and Scott.

On motion of Mr. Ballard, Mr. Scott was excused for the day on account of sickness.

On motion of Mr. Jackman, Mr. Sayers was excused for eight days, after the twenty-fifth instant, on account of important business.

A message from the Senate announced the passage by that body of the following bills:

House bill No. 221, to amend the fourth section of an act entitled "An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter therefor," approved November 12, 1866, with amendments by the Senate.

House bill No. 316, to legalize the acts of certain officers.

Senate substitute for House bills Nos. 320 and 100, to provide for the supplying of lost records in the several counties in this State.

Senate bill No. 328, to amend "An act amendatory of an act to amend an act entitled 'an act prescribing the

times of holding the district courts in the several judicial districts in the State, approved August 10, 1870,' approved April 17, 1871," approved June 4, 1873.

Senate joint resolution No. 255, awarding improved Winchester rifles, or other breech-loading guns, to certain parties.

Senate bill No. 182, to provide for the construction of toll bridges.

Senate bill No. 23, to expedite business in the district courts.

Senate bill No. 352, to change the times of holding the district courts in the Thirty-first Judicial District.

Senate joint resolution No. 363, authorizing the Governor to employ counsel to prosecute any persons, and to make an appropriation to defray the expenses in said prosecutions.

Senate bill No. 347, to amend section thirteen of an act entitled "An act to incorporate the Galveston Bank and Trust Company," approved April 26, 1871.

Senate bill No. 213, to create a department of agriculture for the State of Texas.

Senate bill No. 116, concerning private corporations.

The journal of yesterday was read.

On motion of Mr. McLeary, it was corrected, so that instead of reading "the resolution (relative to Hon. James H. Bell) was adopted," it should read "the motion to postpone carried."

The journal was then adopted.

On motion of Mr. Triplett, Senate bill No. 361, authorizing the Governor to postpone special elections for Senators and Representatives in certain cases, was taken up and read second time.

Mr. McLeary offered the following amendment: "Amend by inserting in lieu of section one '*Be it enacted by the Legislature of the State of Texas*, That the Governor shall have the power, if he should deem it necessary, to postpone the special elections to fill vacancies now existing in the Senate and House of Representatives from the Third, Twelfth and Thirteenth Senatorial Districts, to any period of time not beyond the time for the next general election for Senators and Representatives, or for members of the Congress of the United States.' " The amendment was adopted and the bill passed to third reading.

On motion of Mr. Rainey, the rules were suspended, the bill was read third time and passed.

On motion of Mr. Harrison, Senate bill No. 307, to amend sections two and three of an act entitled "An act to define the Tenth Judicial District of the State of Texas," was taken up, read third time and passed.

The Chief Clerk was instructed to inform the Senate that the House of Representatives was ready to receive them in joint session on hearing of the address for removal of Hon. S. B. Newcomb, Judge of the Twenty-fifth Judicial District.

Leave being granted, Mr. McLeary submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee of Conference, appointed to confer with a like committee from the Senate, in regard to the House amendments to Senate bill No. 100, "An act to reapportion the State of Texas into congressional districts," have met the Senate committee in joint session, and it was agreed by a majority of each and both committees that the Senate should concur in the House amendments.

(Signed) G. B. ERATH, Chairman Senate Committee.
J. H. MCLEARY, for House Committee.

Pending the discussion, the Senate was announced and received.

Hon. G. W. Jones resumed his argument, at the close of which W. M. Walton addressed the joint session on behalf of the State.

Having finished his argument, the Senate retired to its own chamber.

Mr. Rainey moved that the House proceed to take the vote upon the address.

Mr. Triplett moved to adjourn. Lost.

Mr. Rainey then moved to postpone taking the vote on the address until Monday next 10 A. M., which carried.

Mr. Harrison moved to excuse Mr. Edwards for eight days from Monday next. Lost.

Mr. Storey moved to take up House bill No. 443, to reduce and equalize the mileage pay of members of the Legislature.

The House refused to take up the bill.

The report of the Conference Committee upon Senate bill No. 160, to reapportion the State into congressional districts, was resumed.

Mr. McLeary moved to adopt the report.

Mr. Harris moved to lay that motion on the table. Lost.
The report was then adopted.

Mr. Jenkins moved to take up the Senate concurrent resolution providing for the *sine die* adjournment of the present session of the Fourteenth Legislature on the first Monday in May next. The motion carried.

Mr. Epperson moved to postpone the consideration of the resolution until the twenty-fifth instant. Lost by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of Harrison, Cardis, Chambliss, Delany, Epperson, Galvan, Harris, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Kessler, Lea, Lindsay, Linn, Massey, McCuiston, Mitchell, McLeary, Meissner, Murphy, Patterson, Pickett, Roberts, Sadler, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett and Watson—37.

NAYS—Messrs. Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, Gelatly, German, Goodwin, Harrison, Hart, Hays, Jenkins, Johnson, Kemble, Lawhon, Matthews, Nicholson, O'Neal, Oxsheer, Patrick, Rainey, Rogers, Rosborough, Sayers, Simpson, Smith of Travis, Walker, Watts and Wortham—39.

Mr. Sadler moved to postpone its consideration to the twentieth instant.

A message from the Senate announced that that body had voted the address for the removal of Hon. S. B. Newcomb, Judge of the Twenty-fifth Judicial District, by a unanimous vote, there being twenty-six votes cast ; also, that it had passed House bill No. 408, relating to sheriffs' bonds, and Senate bill No. 377, to authorize the Judge of the Twenty-fourth Judicial District to hold a special term of court in the county of Kinney.

On motion of Mr. Harrison, the House adjourned.

SEVENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 13, 1874.

House met; prayer by chaplain. Roll called; quorum present.

A message from the Senate announced the passage by that body of the following bills:

Senate bill No. 335, to provide for the safe keeping of the furniture and fixtures belonging to the public halls of the Capitol, the Public Library, and to provide for the improvement of the Capitol grounds and State cemetery.

Senate bill No. 295, to regulate the adoption of children.

Senate bill No. 240, to incorporate the Texas and Midland Railway, and to aid in the construction of the same.

Senate bill No. 253, to repeal an act entitled "An act to change the line between the counties of Burnett and Lampasas," approved June 2, 1873, and to define the boundaries between said counties.

Senate bill No. 364, to incorporate the Hearne, Belton and North-Western Railroad Company, and aid in constructing the same by granting land thereto.

Senate Bill No. . . . , to authorize a special term of the district court in the county of Rains.

House bill No. 179, to create the county of Lee.

Senate bill No. 381, to further provide for the sale of bonds to pay the public debt; also, that that body had concurred in the House amendments to Senate Bill No. 361, authorizing the Governor to postpone special elections for Senators and Representatives in certain cases.

The journal of yesterday was read and adopted.

On motion of Mr. Harrison, leave of absence was granted Mr. Edwards for eight days, beginning to-morrow.

On motion of Mr. Henderson of Smith, the Committee of Conference upon Senate substitute for House bill No. 6, "An act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, 1873, and to provide for the payment of the same," was made a Committee of Free Conference.

Mr. Jackman moved that the House proceed to take the vote on the address for the removal of the Hon. S. B.

Newcomb, Judge Twenty-fifth Judicial District, which carried.

Mr. Watts moved a call of the House, which was seconded and ordered.

Absent—Messrs. Barziza and Delany.

Mr. Delany having come in, on motion of Mr. Foote, the call was suspended.

On motion of Mr. Storey, the report of the Joint Committee upon the address was adopted.

The Speaker put the question: "Is there a cause, or are there causes, sufficient to vote the address of removal of Hon. S. B. Newcomb, Judge of the Twenty-fifth Judicial District, upon which the vote was as follows:

YEAS—Mr. Speaker, Anderson, Ballard, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Meissner, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Rogers, Rosborough, Sadler, Sayers, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—77.

NAYS—Messrs. Beck, Brown of Harrison, Mitchell and Roberts—4.

Mr. Abner said that he had been unable to hear the argument of counsel, and had not had an opportunity to read the testimony, and requested to be excused from voting. The House excused him.

Mr. Scott stating, that from sickness he had been unable to hear the argument or read the testimony, asked to be excused from voting, which was granted.

The Speaker announced the vote, and declared the address had been voted.

Mr. Rainey asked leave to present a petition from citizens of Louisiana, and have it referred to the appropriate committee. Leave was granted.

Senate bill No. 381, to further provide for the sale of bonds to pay the public debt, was taken up and read first

time. On motion of Mr. Sayers, the rules were suspended, the bill was read second time, and passed to third reading. On motion of Mr. Storey, the rules were further suspended, the bill was read third time, and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, Gellatly, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lea, Lindsey, Manning, Massey, Matthews, McCuiston, Mitchell, Meissner, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Rainey, Rogers, Rosborough, Roberts, Sadler, Sayers, Scott, Simpson, Smith of Travis, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—76.

NAYS—None.

Mr. O'Neal presented a petition for the division of Cass county ; also, a remonstrance from many citizens of Cass county against the division of said county ; both of which were referred to the Committee on Counties and County Boundaries.

Business on the Speaker's table :

Senate bill No. 347, to amend section thirteen of an act entitled "An act to incorporate the Galveston Bank and Trust Company," approved April 26, 1871, was read first time. On motion of Mr. Simpson, the rules were suspended, the bill was read second time and passed to third reading. On motion of Mr. Kessler, the rules were further suspended, the bill read third time and passed.

Senate substitute for House bills Nos. 320 and 100, to provide for the supplying of lost records in the several counties in this State, was read first time and adopted, becoming House bill No. 320. On motion of Mr. Smith, of Grimes, the rules were suspended, the bill was read second time, and passed to third reading. On motion of Mr. DeMorse, the rules were further suspended ; the bill read third time and passed.

Senate bill No. 377, to authorize the Judge of the Twenty-fourth Judicial District to hold a special term of

court in the county of Kinney, was read first time. On motion of Mr. Murphy, the rules were suspended, the bill was read second time, and passed to third reading. On motion of Mr. Murphy, the rules were further suspended, the bill was read third time and passed.

Senate bill No. 299, to require the several sheriffs of this State to execute additional bonds in certain cases, was read first time. On motion of Mr. Epperson, the rules were suspended, the bill was read second time, and passed to third reading. On motion of Mr. Epperson, the rules were further suspended, the bill was read third time and passed.

Senate joint resolution No. 194, authorizing the Adjutant General of this State to make application to the Commanding General of the United States army for additional troops for the protection of the frontier of Texas, was read first time. On motion of Mr. McCuiston, the rules were suspended, the joint resolution was read second time, and passed to third reading. On motion of Mr. Henderson of Kendall, the rules were further suspended, the joint resolution was read third time and passed.

Senate bill No. 23, to expedite business in the district court, was read first time. On motion of Mr. Foote, the rules were suspended, and the bill was read second time.

Mr. Storey offered the following amendment: Substitute for section second: That any judge of the district court who shall fail to hold a term of his court as required by law, unless providentially hindered or excused therefrom by law, shall forfeit five hundred dollars, to be deducted from his salary. On motion of Mr. Triplett, the bill and amendment were referred to Judiciary Committee No. 1.

Senate bill No. 103, authorizing the compilation of a complete alphabetical abstract of all the patented and located lands in this State, was read first time and referred to Committee on Public Lands and Land Office.

Senate bill No. 72, to amend an act entitled "An act to authorize the cancellation of patents in certain cases," approved February 3, 1854, was read first time, and referred to the Committee on Public Lands and Land Office.

Senate bill No. 99, to regulate pawnbrokerage, was read first time. On motion of Mr. Galvan, the rules were suspended, and the bill was read second time. On motion of Mr. Storey, the bill was referred to the Committee on State Affairs.

Senate bill No. 127, to improve the navigation of the Sabine, Neches and Angelina rivers and Pine Island bayou, in the State of Texas, was read first time, and referred to the Committee on Internal Improvements.

Senate bill No. 152, to authorize the several counties of this State to raise means to pay their present indebtedness, was read first time, and referred to the Committee on State affairs.

Mr. Lawhon moved to take up Senate bills on their first reading, read them by caption, and refer them to their proper committees, unless some member wishes to have any bill read in full.

The motion carried.

Senate bill No. 168, for the protection of game and birds, was read by caption. Mr. Sayers moved to refer the bill to the Committee on Roads, Bridges and Ferries. Mr. Kessler moved to refer it to the Committee on State Affairs. The motions were put *seriatim* and lost. On motion of Mr. Johnson, the bill was referred to the Committee on Agriculture and Stock Raising.

Senate bill No. 205, to attach the county of Waller to the Thirteenth Senatorial District, was read first time. On motion of Mr. Delany, the rules were suspended, the bill was read second time, and passed to third reading. On motion of Mr. Meissner, the rules were further suspended, the bill was read third time and passed.

Senate bill No. 211, regulating the sale of lands under executions and judicial decrees, was read by caption, and referred to Judiciary Committee No. 1.

Senate bill No. 244, to authorize justices of the peace to hold regular terms of their courts at such places in their precincts as may suit the wants of the people, was read first time. On motion of Mr. Walker, the rules were suspended, and the bill was read second time. On motion of Mr. Pickett, the bill was referred to Judiciary Committee No. 2.

Senate Bill No. 250, to regulate public roads in the State of Texas, was read by caption first time, and referred to the Committee on Roads, Bridges and Ferries.

Senate bill, No. 257, to amend section ninety of an act entitled "An act to regulate proceedings in the district courts," approved May 13, 1846, was read first time and referred to Judiciary Committee No. 1.

Senate bill No. 339, to make an appropriation to pay the

contingent expenses of the Fourteenth Legislature, was read first time, and referred to the Committee on Finance.

Senate bill No. 328, to amend an act amendatory of an act to amend an act entitled "an act prescribing the times of holding the district court in the several judicial districts in the State," approved August 10, 1870, approved April 17, 1871, approved June 4, 1873, was read first time. On motion of Mr. Murphy, the rules were suspended, and the bill was read second time.

Mr. Murphy offered the following amendment :

Amend so as to read as follows : "Starr county on the fourth Monday in March, July and November, and may continue in session two weeks ; in Hidalgo county, on the fifth Mondays after first Mondays in March, July and November, and continue one week ; in Cameron county, on the sixth Mondays after the first Mondays in March, July and November, and may continue in session until the business is disposed of.

The amendment was adopted, and the bill passed to third reading. On motion of Mr. Murphy, the rules were further suspended, the bill was read third time and passed.

Senate joint resolution No. 255, awarding improved Winchester rifles or other breech-loading guns to certain parties, was read first time. On motion of Mr. Brown, of San Saba, the rules were suspended, the joint resolution was read second time, and referred to the Committee on Indian Affairs.

Senate bill No. 352, to change the times of holding the district courts in the Thirty-first Judicial District, was read first time. On motion of Mr. Goodwin, the rules were suspended, the bill was read second time and passed to third reading. On motion of Mr. Goodwin, the rules were further suspended, the bill was read third time and passed.

Senate joint resolution No. 363, empowering the Governor to employ counsel to prosecute any persons, and to make an appropriation to pay the expenses in said prosecution, was read first time. On motion of Mr. Stephens, the rules were suspended, the joint resolution was read second time, and passed to third reading. On motion of Mr. Foote, the rules were further suspended, the joint resolution was read third time and passed by the following vote :

YEAS—Mr. Speaker, Anderson, Ballard, Brown of Gregg, Brown of San Saba, Cain, Cardis, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Ed-

wards, Epperson, Farrar, Foote, Galvan, Gellatly, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Lawhon, Lea, Lindsey, Manning, Massey, Matthews, Mitchell, McLeary, Patrick, Patterson, Price, Rogers, Scott, Simpson, Smith of Travis, Stephens, Stewart of Montgomery, Triplett, Watson, Watts and Wortham—53.

NAYS—Messrs. Abner, Bean, Brown of Harrison, Bruce, German, Jackman, Linn, McCuiston, Meissner, Miller, Nicholson, O'Neal, Oxsheer, Pickett, Roberts, Sayers, Storey, Stuart of Falls, Swain, Von Biberstein and Walker—21.

Senate bill No. 213, to create a Department of Agriculture for the State of Texas, was read first time, and referred to the Committee on Agriculture and Stock Raising, with instructions to report thereon on the 25th instant.

Senate bill No. 182, to provide for the construction of toll bridges, was read first time by caption and referred to the Committee on Roads, Bridges and Ferries.

House bill No. 19, to aid in recovering stolen property, was taken up, pending the following amendment by the Senate :

Insert in line eight, section one, after the word purchaser the words "and sellers." The House concurred in the amendment.

House bill No. 32, authorizing clerks of the district court and justices of the peace to issue writs of garnishment in certain cases, was taken up, pending the following Senate amendments :

"Amend by adding to affidavit, after the word 'possession,' and 'that the writ of garnishment is not made to injure the garnishee;' add to end of section one, 'said defendant may replevy any property, money or debt so seized, in the hands of such garnishee, by giving bond to the officer so seizing the same, payable to the defendant in such suit with two or more good sureties, to be approved by said officer in double the amount of the debt so sued for, and conditioned for the payment of any judgment that may be rendered against said defendant in said suit, which bond shall be returned to the court in which said suit is pending; and if a judgment shall be rendered for the plaintiff, execution shall issue against said defendant and his sureties, for the amount of said debt so recovered.'"

The House concurred in the amendments.

Senate bill No. 253, to repeal an act entitled "an act to change the line between the counties of Burnett and Lampasas," approved June 2, 1873, and to define the boundaries between said counties, was read by caption first time and referred to the Committee on Counties and County Boundaries.

Senate bill No. 376, to authorize a special term of the district court in the county of Raines, was read by caption first time and referred to Judiciary Committee No. 2.

Senate bill No. 364, to incorporate the Hearne, Belton and North-Western Railroad Company, and aid in constructing the same by granting lands thereto, was read by caption and referred to the Committee on Internal Improvements.

Senate bill No. 116, concerning private corporations, was read by caption and referred to Judiciary Committee No. 2.

Senate bill No. 240, to incorporate the Texas and Midland Railway, and to aid in the construction of the same, was read by caption and referred to the Committee on Internal Improvements.

Senate bill No. 295, to regulate the adoption of children, was read by caption and referred to Judiciary Committee No. 1.

Senate bill No. 335, to provide for the safe-keeping of the furniture and fixtures belonging to the public halls of the Capitol, the public library, and to provide for the improvement of the Capitol grounds and State Cemetery, was read by caption and referred to the Committee on Public Grounds and Buildings.

Senate bill No. 245, to amend sections one and four of an act entitled "an act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman," passed June 4, 1873, was read first time. On motion of Mr. Cochran, the rules were suspended, and the bill was read second time.

Mr. Cochran submitted the following report relative to the same subject matter.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Special Committee to whom was referred House bill No. 482, "An act to be entitled an act to amend the fourth section of an act entitled an act to establish, organize and define the powers of the Criminal District Court, in

and for the cities of Dallas, McKinney and Sherman, passed June 4, 1873," report the accompanying substitute and unanimously recommend its passage.

JOHN H. COCHRAN,
T. H. HAYES,
G. A. FOOTE.

The substitute submitted by the Committee, was adopted in lieu of the House bill. It was then offered by the Committee as a substitute for the Senate bill. Adopted and ordered engrossed.

On motion of Mr. Cochran the rules were suspended, the bill was read third time and passed.

House bill No. 221, to amend the fourth section of an act entitled "An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a Reporter thereof," approved November 12, 1866, was taken up pending the following Senate amendment: Amend section one by adding: *Provided*, that if the Reporter charge the profession over six dollars per volume, he shall be removed from office by the Supreme Court. The House concurred in the amendment.

House bill No. 186, for the relief of certain citizens of Limestone and Walker counties was read third time and passed.

House bill No. 363, to amend the first section of an act entitled "An act to prevent judgments from becoming dormant, and to create and preserve judgment liens, was read third time and passed.

House bill No. 194, to encourage the irrigation of lands in this State, was read third time and passed.

House bill No. 216, to authorize Justices of the Peace to take cognizance of certain cases therein named relative to minors, was read third time.

Mr. Triplett offered the following amendment: Change the caption so as to read, "to allow Justices of the Peace to issue writs of *habeas corpus*."

On motion of Mr. Storey the amendment was laid on the table. The bill then passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cain, Cardis, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Foote, Galvan, German, Goodwin, Harris, Harrison, Hart, Helton, Henderson of Kendall, Jackman, Jenkins, Kemble, Kessler, Lawhon, Lindsey, Manning,

Matthews, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Price, Rogers, Rosborough, Roberts, Sadler, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Walker, Watson, Watts and Wortham—61.

NAYS—Messrs. Bean, Brown of San Saba, Gellatly, Hayes, Henderson of Smith, Johnson, Lea, Linn, Massey, O'Neal, Sayers, Stewart of Montgomery and Triplett—13.

Mr. Denman asked leave to introduce a bill, which was granted. He introduced a bill to provide for the locating of county seats in such counties of the State as are without county seats, which was read by caption and referred to the Committee on Counties and County Boundaries.

On motion of Mr. Denman, the House adjourned.

EVENING SESSION.

House met. Roll called, quorum present.

Absent—Messrs. Cardis, Linn and Simpson.

Mr. Jackman moved to excuse the Committee of Free Conference upon the school bill (House bill No. 5), for the evening. The motion was carried.

On motion of Mr. Denman, Mr. Linn was excused for the evening on account of sickness.

A message from the Senate announced that that body had made their Committee of Conference upon House bill No. 6, (the school bill), a Committee of Free Conference; that it has appointed Senators Dillard, Swift, Camp, Friend and Wood a Committee of Conference upon the memorials from citizens of Caddo and DeSoto parishes in Louisiana, asking to be annexed to Texas, and requested the appointment of a like Committee on the part of the House; also that it had passed House bill No. 385, to limit the power of taxation in cities and towns whose population does not exceed fifteen thousand, with amendments by the Senate. The Speaker appointed the following Committee on the part of the House to meet the Senate Committee upon the memorial for the annexation of Caddo and DeSoto parishes: Messrs. O'Neal, Kemble, Rainey, Sayers, Miller, Anderson, McLeary and Smith of Grimes.

Leave being granted, Mr. Oxsheer introduced a bill to re-assess taxes in certain cases, which was read first time.

On motion of Mr. Oxsheer, the rules were suspended, the bill was read second time and ordered engrossed.

On motion of Mr. Oxsheer, the rules were further suspended, the bill was read third time and passed.

House bill No. 246, supplemental to "An act to incorporate the Western Narrow Gauge Railway Company," approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871, and an act supplemental thereto, approved May 2, 1873, was read third time and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Chambliss, Denman, Edwards, Epperson, Farrar, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lea, Lindsey, Manning, Massey, McLeary, Miller, Murphy, O'Neal, Oxsheer, Patrick, Price, Rogers, Rosborough, Roberts, Sadler, Sayers, Scott, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Stuart of Falls, Triplett, Von Biberstein, Walker, Watson and Watts—53.

NAYS—Messrs. Bean, Bruce, Cain, Cochran, DeMorse, Donald, Douglass, Eastland, Foote, German, Hart, Hayes, Jenkins, McCuiston, Mitchell, Nicholson, Patterson, Pickett and Wortham—19.

House bill No. 249, to amend section twenty-two of an act entitled "An act to amend 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870," approved May 27, 1873," was read third time and passed.

House bill No. 250, to protect the enclosed lands of any person from trespass by shooting, hunting, fishing or fowling, was read third time.

Mr. Miller offered the following amendment: "Amend by inserting 'or advertised in the nearest newspaper.'" Lost.

Mr. Lawhon offered the following amendment: "Strike out the word 'fishing' wherever it occurs in the bill. Lost.

Mr. Foote offered the following amendment: "Amend so as to exempt prairie chickens, partridges, squirrels and all small game." Lost.

Mr. Smith, of Grimes, moved to amend section two so as to read, "That this act take effect on and after the first day of January, A. D. 1900."

Mr. Kessler moved to lay the amendment on the table, which carried.

The bill then passed.

House bill No. 251, supplementary to "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction," approved August 13, 1871, was read third time and passed.

House bill No. 301, to amend "An act amendatory of article two hundred and sixty-three of the Code of Criminal Procedure," passed April 27, 1871, was read third time and passed.

House bill No. 325, requiring county treasurers to make out and post monthly statements, and to punish them for failing or refusing to do so, was read third time and passed.

House bill No. 331, to repeal articles thirty and thirty-one of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870, was read third time and passed.

House bill No. 341, to provide for the amendment of town and city charters, was read third time and passed.

House bill No. 432, validating the authentication and registration of certain instruments of writing, was read third time and passed.

House bill No. 364, supplemental to an act entitled "An act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas," approved November 17, 1871, was read third time and passed.

House bill No. 108, to regulate fees of office, was read third time.

M. Stephens moved to recommit the bill to a special committee of five. The motion carried.

Mr. McLeary moved that the committee be instructed to report thereon on Friday morning, which carried.

The Speaker appointed the following committee upon the bill: Messrs. Stephens, Lawhon, Cochran, Sayers and Henderson of Smith.

House bill No. 385, to limit the power of taxation in cities and towns whose population does not exceed fifteen thousand, was taken up pending the following amendment by the Senate: "Strike out at the end of section one of the bill the following words: '*and provided further*, that this act shall not be construed to affect the power of any city or town to levy taxes as heretofore granted in their charters.' Amend section one, line six, after the word

'town,' by adding the following: 'and that no city or town shall assess an occupation tax in excess of the amount assessed by the State on such occupation or calling.' "

On motion of Mr. McLeary, the bill was laid on the table, to be taken up on Thursday next.

House bill No. 284, to regulate the order of business in the district courts of this State, was taken up on motion of Mr. Lawhon and read second time.

Mr. Lawhon offered the following amendment: "Strike out the words 'this State,' wherever they occur, and insert in lieu thereof 'Karnes county.'" The amendment was adopted.

The bill was ordered engrossed.

On motion of Mr. Lawhon, the rules were suspended, the bill was read third time and passed.

Leave being granted, Mr. Epperson submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Special Committee, to whom was referred House bill No. 455, to be entitled "An act to establish the bureau of statistics and history of the State of Texas," have had the same under consideration and have directed me to report the same back to the House and recommend its passage, with the accompanying amendments.

B. H. EPPERSON, Chairman.

Amendments by the committee: Amend by adding after the word "domestic," in line twenty-five, section four, as follows: "The number and value of steamers engaged in internal navigation; the number of arrivals coastwise from beyond the State, of steamers and sail vessels, at the different seaport towns; and the number of arrivals of steamers and sail vessels from foreign ports." Amend by adding after the word "each," in line sixty-one, section four, as follows: "In regard to works of internal improvements, the names of constructed railroads of the State, together with their length, *termini*, cost of construction, gross earnings, operating expenses, rate of first and second-class passenger fare per mile, the rate of cotton per bale, and other freight per ton per one hundred miles; also, the number of acres of land acquired from the State since the incorporation of the companies respectively; the

number of acres alienated, and number of acres still owned by said companies respectively." Amend by adding an additional section, as follows: "Sec. 13. It shall be the duty of the assessors in the various counties, when making their annual assessments, to obtain and forward to the Comptroller, for the use of the bureau of statistics and history, the information necessary to enable the aforesaid commissioner to comply with the provisions of the fourth section of this act. The necessary blanks for this purpose shall be supplied by the Comptroller upon forms to be furnished by the said commissioner."

The amendments were adopted *seriatim*. The bill was read second time.

On motion of Mr. Stuart, of Falls, the bill was ordered to lie on the table, and one hundred and twenty copies were ordered printed.

House bill No. 299, prescribing the times of holding the district court in the Thirty-fourth Judicial District, was taken up.

Mr. Rosborough offered as a substitute therefor a bill of same caption, which was read, adopted and ordered engrossed.

On motion of Mr. Sadler, the rules were suspended, the bill was read third time and passed.

Mr. Sadler moved to reconsider the vote concurring in the Senate amendments to House bill No. 221, to amend section four of "An Act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof," approved November 12, 1866.

The following communication from his Excellency the Governor was received and ordered spread on the journal:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 13, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—I have the honor to acknowledge the receipt of your communication of this date, with enclosure showing the adoption by the requisite constitutional majority, by the House over which you preside, of an address to the Executive, requiring the removal of the Hon. S. B. Newcomb from the office of Judge of the Twenty-fifth Judicial District.

I have the honor to state that I received to-day from Hon. R. B. Hubbard, President of the Senate of Texas, a communication informing me that the same address has been adopted in the Senate by the requisite constitutional majority. I beg leave respectfully through yourself to inform the House of Representatives that I have performed the duty devolved on the Executive, by this joint action of the two houses, by addressing a note to the Hon. S. B. Newcomb, at El Paso, in El Paso county, removing him from the office of Judge of the Twenty-fifth Judicial District, and declaring said office vacant, a copy of which note accompanies this communication.

Very respectfully, your obedient servant,

RICHARD COKE, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 13, 1874. }

Hon. S. B. Newcomb, Judge Twenty-fifth Judicial District, El Paso, Texas:

SIR—The Legislature of the State of Texas, by a two-thirds vote of each house, have adopted and transmitted to me an address, requiring for causes spread upon the records of said two houses, of which you have been duly notified, your removal from the office of Judge of the Twenty-fifth Judicial District of Texas. I therefore, as Governor of Texas, in pursuance of the duty devolved on me by the Constitution, in virtue of this action of the Legislature, do hereby remove you from the office of Judge of the Twenty-fifth Judicial District, and declare said office vacant.

Very respectfully,

RICHARD COKE, Governor.

Mr. Cochran moved to take up House bill No. 218, to amend the sixth, seventh, eighth and ninth sections of an act entitled "An act to protect the farming interests of the State," passed May 16, 1873. The motion carried and the bill was taken up.

On motion of Mr. Douglass, the House adjourned.

SEVENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 14, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Mr. Simpson.

A message from the Senate announced the presentation in that body of the following address for removal of Hon. J. P. Osterhout, Judge of the Thirty-fourth Judicial District, and asked that it be spread upon the journal of the House. That Senator's Culberson, Ball and Erath had been appointed a committee upon the address, and a like committee was requested on the part of the House.

The journal of yesterday was read and adopted.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 284, "An act to regulate the order of business in the District Courts of this State." House bill No. 299, "An act prescribing the time of holding the District Courts in the Thirty-fourth Judicial District." House bill No. 482, "An act to amend the fourth section of an act entitled 'an act to establish, organize and define the powers of the Criminal District Courts of the cities of Dallas, McKinney and Sherman,'" passed June 4, 1873; and, also, House bill No. 510, "An act to reassess taxes in certain cases." L. C. DEMORSE, for Committee.

On motion of Mr. Walker, Mr. Simpson was excused for the day on account of sickness.

Mr. Kessler moved to instruct the Committee on Agriculture and Stock Raising to report upon Senate bill No. 213, to create a department of agriculture for the State of Texas, to-morrow morning, which carried.

The Senate concurrent resolution providing for the *sine die* adjournment of the present session of the Fourteenth Legislature on the first Monday in May next, at 12 M. was taken up, pending a motion to postpone its consideration until the twentieth inst. The motion to postpone carried.

Reports from Judiciary Committee No. 2:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Judiciary Committee No. 2, to whom was referred House bill No. 310, being entitled "An act to amend section two of an act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company," passed September 1, 1856, passed December 24, 1859," which act changed the name of said company to the Texas and New Orleans Railroad Company, approved April 15, A. D. 1873, and which said act changed the name of said road to the "New Orleans, Mobile and Texas Railroad Company," (which said amendment fixes the crossing of said road on Sabine river), have carefully examined the same, and instruct me to report the same back and recommend that the same do pass.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, and the bill ordered engrossed.

On motion of Mr. Denman, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Judiciary Committee No. 2, to whom was referred protest of property owners, tax-payers and citizens of Orange county, to the action of the Thirteenth Legislature in amending the charter of the "Texas and New Orleans Railroad Company," and praying redress as to the crossing of said Texas and New Orleans Railroad Company, *alias* New Orleans, Mobile and Texas Railroad Company on Sabine river, have carefully considered the same, and are of opinion that relief in the respect prayed for should be granted ; but as the objects desired are embraced in House bill No. 310, which was also referred to this committee and which has been acted upon, they respectfully return said protest, and recommend that the subject matter therein be considered while considering House bill No. 310.

B. H. EPPERSON, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Judiciary Committee No. 2, to whom was referred House bill No. 130, to prescribe the manner of making minors and persons of unsound mind parties to suits in this State, having considered the same, recommend its passage with the following alterations: Instead of section two in original bill, substitute section two herewith transmitted, and call section two in original bill section three, and call section three section four, and call section four section five.

B. H. EPPERSON, Chairman.

Sec. 2. That in all cases, where a minor or person of unsound mind, having a regularly appointed and bonded guardian, shall be party defendant in any suit, service of process of citation shall be sufficient if made upon such guardian. And in all cases where a minor or person of unsound mind, not having a regularly appointed and bonded guardian, but having a natural guardian, shall be party defendant in any suit, service of process of citation shall be sufficient if made upon such natural guardian; and in cases arising under this section, no special guardian as contemplated in section one shall be necessary, provided that such minor or person of unsound mind shall be allowed two years, from and after the removal of his or her disability, to show fraud in such proceedings or judgment. The bill having been read second time the substitute for section two was adopted. The report was then adopted, and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Judiciary No. 2, to whom was referred House bill No. 107, entitled "An act to regulate proceedings on Statutory Bonds," have considered the same and report back the accompanying substitute, and recommend its passage, said substitute being entitled "An act to regulate proceedings on Statutory Bonds."

B. F. EPPERSON, Chairman.

The substitute having been read the report was adopted, and the substitute thus adopted was ordered engrossed.

On motion of Mr. Stuart of Falls, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 131, entitled "An act to authorize the Liberty Fire Company No. 2, of the city of Houston, to take, provide for, and administer a charity fund," have had the same under consideration and have instructed me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Judiciary Committee No. 2, to whom was referred House bill No. 440, "A bill to be entitled an act to amend an act prescribing the times of holding the District Courts in the several judicial districts of the State," approved August 10, 1870, have carefully considered the same, and instruct me to report the same back and recommend that it do pass.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, and the bill was ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 302, entitled "An act to regulate Life and Health Insurance Companies and Associations, etc." has had the same under consideration and instructed me to report it back and to recommend its passage; and the Committee recommend as it is a bill of considerable importance, that it be printed for the use of the House.

B. H. EPPERSON, Chairman.

The report was adopted and the order for printing made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Judiciary Committee No. 2, to whom was referred House bill No. 435, "A bill to be entitled an act to amend

an act to provide for districting the State of Texas into Judicial Districts, approved July 8, 1870," have carefully considered the same and instruct me to report the same back and recommend that it do pass.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

On motion of Mr. Cardis the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 357, entitled "An act to be entitled 'an act to authorize the issuance of land certificates to the heirs of those who fell in the Dawson massacre in 1842,'" have had the same under consideration, and instructed me to report the same back for the consideration of the House.

B. H. EPPERSON, Chairman.

The bill having been read second time, on motion of Mr. Lea, it was laid on the table to await the regular order.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 6, entitled "An act to regulate the sale of the homestead," have had the same under consideration, and have instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted. Mr. Kessler moved to postpone the consideration of the bill at present, and pass it to the orders of the day, which was carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 322, entitled "An act to amend the seventy-eighth section of an act to define the powers and jurisdiction of district courts," passed May 15, 1846, have had the same under consideration, and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted, and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 311, entitled "An act to amend article six hundred and ninety-four of Code of Criminal Procedure," passed February 15, 1858, have had the same under consideration, and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 367, entitled "An act to repeal an act entitled an act to regulate the practice of medicine," passed May 15, 1873, have had the same under consideration, and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

The House refused to engross the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 164, entitled "An act to amend section eighteen of an act entitled an act concerning proceedings in the district courts," passed sixteenth day of March, 1848, and took effect August 1, 1848, have had the same under consideration, and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, the report was adopted, and the bill passed to third reading. On motion of Mr. Sayers, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 97, entitled "An act to require district clerks and other officers authorized and permitted by law to take acknowledgments and proof of deeds, and other written instruments, to keep a record of the same," have had the same under consideration, and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, and the report was adopted. Mr. Bean moved to amend the enacting clause by striking out "from and," and inserting in lieu thereof "sixty days." The amendment was adopted, and the bill passed to third reading. On motion of Mr. DeMorse, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 39, entitled "An act to amend section thirty-six of an act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, has had the same under consideration, and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, and the report adopted. Mr. Kessler moved to postpone the bill and pass it to the orders of the day. The House refused to postpone. Mr. Sadler moved to postpone the bill indefinitely, which was carried by the following vote :

YEAS—Messrs. Anderson, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Cochran, Donald, Douglass, Easley, Eastland, Foote, Gellatly, Goodwin, Harrison, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jenkins, Kemble, Kessler, Lawhon, Lindsey, Linn, Massey, Matthews, Mitchell, Meissner, Miller, Murphy, Oxsheer, Patrick, Patterson, Rainey, Rosborough, Roberts, Sadler, Sayers, Smith of Grimes, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson and Watts—50.

NAYS—Mr. Speaker, Abner, Barziza, Chambliss, Delany, Denman, DeMorse, Epperson, Galvan, Harris, Helton,

Jackman, Johnson, Lea, Manning, McCuiston, McLeary, Nicholson, O'Neal, Pickett, Price, Rogers, Scott, Smith of Travis, Stephens, Stewart of Montgomery and Wortham—27.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 78, entitled "An act to define the land district of Palo Pinto, Jack, Clay, Young and Eastland, and to make valid the surveys and locations made therein," has had the same under consideration, and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

A message from the Senate announced the passage by that body of the following bill :

Senate bill No. 171, to authorize and empower the Governor to prescribe the number of hours for labor in the several departments of the Government.

Report from the Committee on Enrolled Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House bill No. 382, entitled "An act to provide for the payment of Lieutenant J. M. Elkin's company of minute men organized in Coleman county," and presented the same to the Governor for his approval, on the tenth day of April, 1874, at nine o'clock A. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, House bill No. 316, entitled "An act to legalize the acts of certain officers, and presented the same to the Governor for his approval on the eleventh day of April, 1874, at 12:30 o'clock P. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House bill No.

408, entitled "An act relating to sheriff's bonds," and presented the same to the Governor for his approval, on yesterday, the thirteenth day of April, 1874, at a quarter to nine o'clock, A. M. E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled House bill No. 179, entitled "An act to create the county of Lee;" also, House bill No. 19, entitled "An act to aid in recovering stolen property;" also, House bill No. 32, entitled "An act authorizing clerks of the district court and justices of the peace, to issue writs of garnishment in certain cases," and presented the same to the Governor for his approval, this, the fourteenth day of April, 1874, at ten o'clock A. M. E. D. LINN, Chairman.

On motion of Mr. Brown, of Harrison, the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

Mr. Miller moved to reconsider the vote indefinitely postponing Senate bill No. 39, to amend section thirty-six of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873.

On motion of Mr. Miller the Committee on Agriculture and Stock raising were allowed to retire to consider a bill which had been referred to them.

Mr. Cochran offered the following resolution: *Resolved*, that the use of this Hall be granted to the Hon. C. E. Millard for the purpose of delivering an address on to-morrow, fifteenth inst., at eight o'clock P. M., upon the aims and objects of the Patrons of Husbandry. The resolution was adopted.

Senate bill No. 78, to define the Land Districts of Palo Pinto, Jack, Clay, Young and Eastland, and to make valid the surveys and locations made therein, was resumed.

On motion of Mr. Bean the amendments offered by the Committee on Public Lands and Land Office, to whom the bill had previously been referred, were made part of the report of Judiciary Committee No. 2.

The amendments were then adopted *seriatim*.

Mr. Stephens moved to strike out section eight.

Mr. Barziza moved to lay that motion on the table. Lost.

Mr. Sayers moved the previous question which was seconded and the main question ordered.

The motion to strike out was carried. The bill passed to third reading.

On motion of Mr. Sayers, the rules were suspended and the bill was read third time.

Mr. Epperson moved to amend the caption by striking out the words "and to make valid the surveys and locations made therein."

Mr. McLeary moved to recommit the bill to the Committee on Public Lands and Land Office. The House refused to recommit. The motion to strike out was put and carried. The bill then passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 52, entitled "An act to confer jurisdiction of certain civil causes on courts in the several counties in this State," has had the same under consideration and instructed me to report the same back and to recommend its passage.

EPPERSON, Chairman.

The bill having been read second time the report was adopted and the bill passed to third reading.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred Senate bill No. 8, entitled "An act to reorganize the seventh, eighth and eleventh Judicial Districts of the State of Texas, and fix the time of holding the courts therein," has had the same under consideration and instructed me to report the same back, and to recommend its passage with the accompanying amendment.

B. H. EPPERSON, Chairman.

Amend section four so as to read as follows, to-wit: That the District Courts of the Eleventh Judicial District shall be holden at the times hereinafter specified, to-wit: In the county of Delta, on the second Mondays in January, May and September, and may continue in session two

weeks; in the county of Hopkins on the first Mondays in February, June and October, and may continue in session four weeks; in the county of Hunt on the first Mondays in March, June and October, and may continue in session three weeks; in the county of Collin on the fourth Mondays in March, July and November, and may continue in session five weeks, or until the business of the term is disposed of.

The bill was read second time, the report adopted, adopting the amendment, and the bill passed to third reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to which was referred Senate bill No. 110, entitled "An act to establish a Criminal Court in and for the cities of Waco and Marlin, and defining the powers thereof," has had the same under consideration and instructed me to report it back and to recommend its passage. B. H. EPPERSON, Chairman.

The bill was read second time, the report adopted and the bill passed to third reading.

On motion of Mr. Sadler, the rules were suspended, the bill was read third time by caption and passed.

A message from the Senate announced the passage by that body of the following bills, to-wit: House bill No. 510, to re-assess taxes in certain cases; House bill No. 48, to reorganize Young county; House bill No. 77, to amend section one of "An act to incorporate the Texas Banking and Insurance Company," approved June 28, 1870; House bill No. 55, to suspend the powers of an act entitled "An act to levy a special tax in the county of Angelina," passed May 23, 1873; House bill No. 213, relating to the headright claim of Louis Rosseau to three hundred and twenty acres of land; Senate bill No. 102, for the protection of the wool growing interest of the State.

Mr. Farrar presented an address for the removal of Hon. Jas. R. Burnett, Judge of the Thirtieth Judicial District, with resolution relative thereto.

Mr. Barziza offered a resolution relative to the subject of addresses generally.

On motion of Mr. McLeary, the address and resolutions were referred to Judiciary Committee No. 1.

On motion of Mr. McLeary, the House adjourned.

SEVENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 15, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Mr. Simpson.

On motion of Mr. Triplett, Mr. Simpson was excused for the day on account of sickness.

Mr. Rainey, whose resignation took place to-day, delivered a few valedictory remarks, thanking the Speaker and members of the House for the uniform kindness and courtesy which had characterized their intercourse, and retired.

A message from the Senate announced the presentation in that body of an address for the removal of Hon. James R. Burnett, Judge of the Thirtieth Judicial District, the appointment of Senators Ireland, Wood and Bradshaw a committee to consider the address, and asked a like committee on the part of the House, and that the address be spread upon its journal.

The journal of yesterday was read and adopted.

Leave being granted, Mr. Anderson submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Joint Select Committee, to whom was referred the memorial of the citizens of Caddo and DeSoto Parishes, State of Louisiana, expressing a desire to have all the territory embraced within these two parishes brought under the jurisdiction of the State of Texas, have maturely considered the same and have unanimously arrived at the conclusion that the result of this measure, if carried into effect, would not only promote the best interest and future happiness of the people inhabiting this territory, but would also redound to the best interest and future prosperity of the people of our own State.

Those parishes, which are contiguous to our eastern border, contain an area of over two thousand square miles of territory, equal in point of fertility to that of any other section on the continent.

And notwithstanding the blighting influence of the war, and troubles of a domestic character, are now on the high road to prosperity and full development. They contain an intelligent and enterprising population, of nearly fifty thousand inhabitants, who are closely allied, socially and commercially, to the people of our eastern counties. This country has a front of one hundred and fifty miles on Red River, and if acquired, would fix the boundary of our State where nature intended it should rest.

The city of Shreveport, which is virtually a Texan town, and entirely identified with our interest, would be embraced in this cession. This city is at present the terminus of the Texas Pacific Railroad, and destined to become one of the greatest thoroughfares on the continent. It is situated at the head of low water navigation on Red River, and in the opinion of your committee, would, if brought wholly under the influence of our State, spring into magnificent proportions—it is now the entrepot and gateway to much of our most valuable commerce. Steamers are continually plying between this port and New Orleans, St. Louis, Louisville and Cincinnati, bringing the rich products of the South-East and North-West to our own doors, and taking in exchange our cotton, wool, hides and cattle.

We find this city makes near an annual shipment of one hundred thousand bales of cotton, and its export trade, approximates the value of twelve millions of dollars.

That as said city derives its principal support from our influence and trade, we believe it would be proper for it to be brought under the jurisdiction of our laws.

And her increased trade, wealth and importance, which would naturally result from her becoming a Texan city, would redound to the benefit of New Orleans and the rest of the State of Louisiana, particularly by the increased commerce of Red River.

In fine, your committee are convinced that the acquisition of this territory would, not only be of great advantage to those who will be immediately affected, but to our whole people. That it would give us a boundary much to be desired, and a river outlet to our North-Eastern and Western trade of which we are now greatly in need.

Your committee would therefore recommend and urge the passage of the accompanying joint resolution, which provides for the immediate cession of this territory as soon as the consent of the Legislature of our sister State of

Louisiana, and of the Congress of the United States, shall have been obtained.

All of which is respectfully submitted,

J. E. DILLARD, Chairman.

The report was received and ordered to lie on the table to await future action.

Mr. Cain, by leave, introduced a bill to amend the tenth section of an act entitled "An act to prescribe the times of holding the District Courts in the several Judicial Districts in this State," approved August 10, 1870, which was read first time.

On motion of Mr. Wortham, the rules were suspended, the bill was read second time and ordered engrossed.

On motion of Mr. Wortham, the rules were further suspended, the bill was read third time and passed.

Leave being granted, Mr. Harris submitted the following reports:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred House bill No. 406, to be entitled "An act to add the county of Waller to the Twenty-ninth Judicial District and prescribing the times of holding the District Courts in said District," have considered said bill and recommend its passage.

JOHN W. HARRIS, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

On motion of Mr. Harris, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Judiciary Committee No. 1, to whom was referred the petition of William L. Hunter, asking for a land certificate for a league and a quarter of land in lieu of a grant of that size granted by the Government of Coahuila and Texas to Juan Renea and his son, having duly considered the same, and believing the petitioner to be entitled to the relief he asks for, a majority of the committee have instructed me to report said petition back to the House with the accompanying bill, which they recommend do pass.

JOHN W. HARRIS, Chairman.

The bill, being a bill to authorize the Commissioner of the General Land Office to issue a land certificate for one league and one quarter of a league to Wm. M. Hunter, having been read, the report was adopted.

Mr. Nicholson moved to refer the bill to the Committee on Private Land Claims, which carried.

(Mr. Cochran in the chair.)

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred House bill No. 449, to amend an act entitled "An act prescribing the times of holding district courts," have had the said bill under consideration and respectfully recommend its passage.

JOHN W. HARRIS, Chairman.

The bill was read second time, the report was adopted, and the bill ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill was read by caption third time and passed.

Mr. Epperson moved to reconsider the vote passing Senate bill No. 110, to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof.

Report from Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 107, "An act to regulate proceedings on statutory bonds;" House bill No. 130, "An act to prescribe the manner of making minors and persons of unsound mind parties to suits in this State;" House bill No. 131, "An act to authorize the Liberty Fire Company No. 2, of the city of Houston, to raise, provide for and administer a charity fund;" House bill No. 311, "An act to amend article six hundred and ninety-four of the Code of Criminal Procedure," enacted February 15, 1858; House bill No. 322, "An act to amend the seventy-eighth section of 'an act to define the powers and jurisdiction of district courts,'" passed May 13, 1846; House bill No. 435, "An act to amend 'an act to provide for districting the State of Texas into judicial districts,'" approved July 8, 1870; and also House bill No. 440, "An act to amend 'an act pre-

scribing the times of holding the district courts in the several judicial districts of the State," approved August 10, 1870.

L. C. DEMORSE, for Committee.

Reports from Judiciary Committee No. 2 resumed :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 378, entitled "An act to incorporate the Western Texas Immigration Association," has had the same under consideration and instructed me to report the same back and to recommend that it do not pass, because the object contemplated by the bill can be obtained by the general incorporation act.

B. H. EPPERSON, Chairman.

The report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 437, entitled "An act to amend 'an act to reduce into one and to amend the several acts concerning executions,'" approved January 27, 1842, has had the same under consideration and instructed me to report the same back and to recommend that it do not pass.

EPPERSON, Chairman.

The report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 265, entitled "An act for the relief of Ellen and Francis Sharp, of Dallas county," has had the same under consideration and instructed me to report the same and to recommend its reference to the Committee on Private Land Claims.

EPPERSON, Chairman.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 394, entitled "An act concerning the bonds of revenue officers," has had the same under consideration

and instructed me to report the same back and to recommend that it do not pass. EPPERSON, Chairman.

The report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Judiciary Committee No. 2, to whom was referred House bill No. 237, entitled "An act to amend article four hundred and ninety-seven of the Code of Criminal Procedure," approved August 26, 1856, have had the same under consideration and have instructed me to report back the same and recommend that it do pass.

EPPERSON, Chairman.

The bill was read second time, the report adopted and the bill ordered engrossed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 490, entitled "An act to amend article two hundred and fourteen of the Penal Code of the State of Texas," has had the same under consideration and instructed me to report the same back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, the report adopted, and the bill ordered engrossed.

On motion of Mr. Smith, of Grimes, the rules were suspended, the bill was read third time and passed.

(The Speaker in the chair.)

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 2, to whom was referred House bill No. 463, entitled "An act authorizing the Judge of the Twenty-eighth Judicial District to hold a special term in the county of Brazos," has had the same under consideration and instructed me to return the same and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, the report adopted, and the bill ordered engrossed.

On motion of Mr. Goodwin, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Judiciary Committee No. 2, to whom was referred House bill No. 416, "An act entitled an act to incorporate the Alamo Rifles, of the city of San Antonio," have considered the same and recommend that the substitute, herewith submitted, be passed.

B. H. EPPERSON, Chairman.

The substitute having been read, the report was adopted, adopting the substitute, which was then ordered engrossed. On motion of Mr. Galvan, the rules were suspended, the bill was read third time by caption and passed.

The Committee on Constitutional amendments was called, but on request of Mr. Sayers, its chairman, was granted further time, in which to prepare their report.

Reports from Committee on Internal Improvements :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 89, entitled "An act to incorporate the South-Western Railroad Company, and to grant lands to aid in the construction of its road," have had the same under consideration, and instruct me to report it back with the following amendments, and recommend that it do pass.

B. H. EPPERSON, Chairman.

"Amend section one, line four, by inserting after the word 'Downey' 'William Kelley,' and in line five after the word 'Brownsville' insert A. S. Thurmond, R. A. Upton, of Rockport, W. T. Norton, of Austin, J. W. Goodwin, of Bryan, and J. H. Doran, of....' Add to the end of section two 'and such commissioners may be represented by proxy under power of attorney.' Section five, line two, strike out 'one million of' and insert 'two hundred and fifty thousand;' in lines three and four strike out 'two-thirds of the stockholders representing two-thirds,' and insert 'a majority;' and in line five strike out 'three' and insert 'five.' Section six, line three strike out 'two' and insert 'one,' and add to the end of section six 'and on the organization of the company said commissioners shall pay over any and all moneys in their hands to the treasurer of the company.' Section seven, lines three and four strike out 'no more than nine.' Section nine, line six, insert after

the word 'near' the words 'the usual landing place for vessels at;' and in line twenty-six, after the word 'river' insert 'and between the cities of Brownsville and Laredo.' "

The bill was read second time, and the amendments adopted *seriatim*.

The report was adopted.

Mr. Smith, of Grimes, offered the following amendment:

"Amend section eighteen, line seven, by inserting after the word 'law' 'and the amount to be charged by said company, for the carriage of freight and passengers on said road, may be regulated from time to time by the Legislature of the State of Texas.' "

The House refused to adopt the amendment. The bill then passed to its third reading. On motion of Mr. Epperson, the rules were suspended, the bill was read third time by caption, and passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Denman, DeMorse, Easley, Eastland, Epperson, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, O'Neal, Oxsheer, Patrick, Price, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—60.

NAYS—Messrs. Bean, Bruce, Cain, Donald, Douglass, Foote, German, Hart, Hayes, Kemble, Matthews, McCuiston, Nicholson, Patterson and Pickett—15.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 27, entitled "An act to amend sections five, eight, seventeen and nineteen of an act entitled 'an act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road,'" has had the same under consideration, and instructed me to return the same and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time.

On motion of Mr. Triplett, the protest of citizens of Orange county against the passage of the bill was read.

The report was adopted, and the bill passed to third reading. On motion of Mr. Epperson, the rules were suspended, the bill was read by caption third time and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cain, Cardis, Chambliss, Denman, Douglass, Easley, Eastland, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lindsey, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Murphy, O'Neal, Oxsheer, Price, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Stuart of Falls, Swain, Walker, Watts and Wortham—50.

NAYS—Messrs. Bean, Bruce, Cochran, DeMorse, Donald, Foote, German, Hart, Lea, Linn, Matthews, Miller, Nicholson, Patrick, Pickett, Sadler, Smith of Grimes, Triplett, Von Biberstein and Watson—20.

Mr. Jenkins, having paired off with Mr. Edwards, was excused from voting.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 86, "An act to incorporate the South-Western and Rio Grande Railroad Company, and to aid in the construction of the same," have considered the same and instruct me to report it back with the following amendments, to-wit: Amend section one, line two, by striking out the words "in general assembly convened." Amend section four ; after line fifteen add, "and ten miles of said road shall be completed and put in good running order within two (2) years from and after the passage of this act, and twenty (20) miles every year thereafter until completed, or this charter shall be forfeited as to the part not built." And recommend that it do pass as amended.

B. H. EPPERSON, Chairman.

The bill was read second time and the report adopted.

On motion of Mr. Triplett, the pending matter was temporarily suspended, and he offered the following resolution :

WHEREAS, The Historical Society, lately formed and organized in the city of Austin, for the purpose of collecting and preserving all items connected with the history of Texas, have, through a special committee, requested the Hon. J. H. Bell to deliver an address in the city of Austin on the evening of April 16, 1874, on the subject of the history of Texas ; and,

Whereas, Said Bell has consented to deliver said address ; therefore,

Be it resolved, That the use of the Hall of Representatives be tendered to said Hon. James H. Bell, on the evening of April 16, for said purpose.

The resolution was adopted.

Mr. Linn, by leave, offered the following resolution :

Resolved, That the Committee on Enrolled Bills are hereby authorized to employ one or more assistant clerks, and that the pay of said assistants shall be the same as that of other clerks of the House.

The resolution was adopted.

On motion of Mr. Foote, the House adjourned.

EVENING SESSION.

House met. Roll called ; quorum present.

Absent—Messrs. Ballard, Delany, DeMorse, Oxsheer, Pickett and Von Biberstein.

On motion of Mr. Cardis, Mr. Ballard was excused for the evening on account of sickness.

On motion of Mr. McLeary, Mr. Delany was excused for the evening on account of sickness in his family.

The following communication from his Excellency the Governor was read and ordered spread upon the journal, and referred to the Committee on State Affairs :

EXECUTIVE OFFICE, }
Austin, Texas, April 15, 1874. }

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN—I transmit herewith a communication from Mr. Henry Brace of New York, who states that he was commissioned by Mr. John A. C. Gray, of the city of New York, to present to the State of Texas the portrait of General Sam. Houston now in the Executive office. It seems from this communication that no acknowledgment has ever been made to the donor of an acceptance by the

State of this gift. I found this portrait in the Executive office when I took possession in January last. This letter from Mr. Brace gives me the first information I have had as to how it came here. It is to me a grateful duty to bring this matter to the attention of your honorable bodies, knowing that you will see without a suggestion from me, the propriety, by joint resolution or otherwise, of accepting in the name of the State of Texas, the work of art which perpetuates the form and features of one of her most illustrious heroes and statesmen, and of tendering to Mr. Gray, the donor, and his friend, Mr. Brace, a befitting acknowledgement of your appreciation of the gift, and of the generous and kindly spirit which prompted its presentation.

Respectfully,

RICHARD COKE.

NO. 29 WILLIAM STREET, }
NEW YORK, April 8, 1874. }

Hon. Richard Coke, Governor of the State of Texas :

SIR—Last September, when I was in Austin, I was commissioned by Mr. John A. C. Gray, a gentleman of this city, to present a portrait of Gen. Houston to the State of Texas. I accordingly called upon your predecessor in office, offered the picture to him as the official representative of the State and requested his acceptance of it on the State's behalf, as a mark of the giver's respect for the memory of the first President of the Republic of Texas, as well as a proof of the giver's remembrance of the kindly greeting which he received from the people of Texas during a late visit to the State. The gift was accepted, but in what manner I care not to state, and no acknowledgement of the donor's courtesy, so far as I know, has ever been made.

The portrait was painted from life in Washington in 1846 or 1847 by Mr. Martin J. Heade, an artist of reputation, and is, I am informed, an excellent likeness; it certainly is a work of art of unusual merit. It had always been in the possession of the painter until Mr. Gray obtained it for the purpose of offering it for the acceptance of your State, to which it should seem it most properly belongs. I respectfully call these facts to your notice, and now beg leave to submit the matter entirely to yourself, for such action by way of acknowledgment, if any acknowl-

edgment be deemed by you appropriate, as may seem to you fitting.

I am, with great respect, your obedient servant,

HENRY BRACE.

Mr. Kemble, by leave, offered the following resolution:

Resolved by the Legislature of the State of Texas, That the scholastic census takers for the year 1873, who have made their reports in good order to the Treasurer or Superintendent of Public Instruction on or before the fifteenth of April, 1874, shall be regarded as in time, and the Treasurer of the State is hereby authorized to pay the same as the law directs.

On motion of Mr. Triplett, the resolution was referred to the Committee on Education.

Mr. Sadler presented a petition from the county court of McLennan county, asking to have the city of Waco reduced to its former limits. Read and referred to Judiciary Committee No. 2.

Senate bill No. 86, to incorporate the South-Western and Rio Grande Railroad Company, and to aid in the construction of the same, was resumed pending the amendments offered by the Committee on Internal Improvements. The amendments were adopted *seriatim*.

Mr. Smith, of Grimes, offered the following amendment: "Section ten, after the last word add '*provided*, that the amount to be charged by said company for the carriage of freight and passengers shall be subject to be regulated from time to time by the Legislature of the State of Texas.'" The amendment was adopted and the bill passed to third reading.

On motion of Mr. Epperson, the rules were suspended and the bill was read third time.

On motion of Mr. Sadler, the bill was postponed until Monday next, to come up then in regular order.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Internal Improvements, to whom was referred Senate bill No. 136, entitled "An act to extend the time for the construction of works of internal improvements," has had the same under consideration and instructed me to report it back and to recommend its passage with the following amendment.

B. H. EPPERSON, Chairman.

Amend section one by striking out the last proviso therein, which reads as follows: "Provided the Railway Company known as the Galveston, Harrisburg and San Antonio Railway Company, chartered by an act passed July 27, 1870, shall not be entitled to the benefit of this act, unless it shall build its road through the town of Seguin, and establish and maintain a freight and passenger depot within one half mile of the courthouse in said town."

The following minority report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The minority of your Committee on Internal Improvements, to whom was referred Senate bill No. ..., an act to extend the time for the construction of works of Internal Improvement, most respectfully submit the following minority report, dissenting from the majority of your Committee, which recommends the passage of the bill, which in our opinion should not pass, because this is an Omnibus bill, including in its provisions all unfinished and even uncommenced railroads in the State, which have not already forfeited their charters, which we conceive is too sweeping in its effects, since we believe that there are many charters held only for speculative purposes, which in our opinion should cease to exist. We are of opinion that no extension of time should be given any railroad, which cannot show itself to be deserving of such favors. For the above and divers other good and sufficient reasons, too numerous here to mention, we recommend that the bill in its present shape do not pass.

JOHN H. COCHRAN,
T. H. HAYES,
M. H. MCCUISTON,
WM. A. WORTHAM,
JAMES B. SIMPSON.

The bill was read second time.

On motion of Mr. Barziza the bill was postponed until Friday, April 17, 1874, 9:30 A. M., and made the special order for that hour.

Mr. Sayers moved to take up what is known as the International bill, which was on the table. The motion was carried.

Mr. Triplett moved a call of the House, which was seconded and ordered.

Absent—Messrs. DeMorse, Gellatly, Patterson, Pickett, Von Biberstein and Wortham.

Mr. Smith of Grimes moved to suspend the call which was carried.

Mr. Epperson moved to postpone the bill until Friday the seventeenth inst., to follow immediately after Senate bill No. 136, "to extend the time for the construction of works of internal improvements," and to be continued as special order from day to day until disposed of, which motion was carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred House bill No. 365, entitled "An act to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto," has had the same under consideration and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, the report was adopted and the bill ordered engrossed.

On motion of Mr. Kessler the rules were suspended, the bill was read third time, and passed by the following vote :

YEAS—Messrs. Abner, Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Easley, Epperson, Galvan, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, McLeary, Miller, Murphy, Price, Rogers, Roberts, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Stuart of Falls, Walker and Watts—40.

NAYS—Messrs. Bean, Cain, Cochran, Denman, Donald, Douglass, Eastland, Farrar, Foote, Freeman, German, Goodwin, Harris, Harrison, Hart, Hayes, Jenkins, Kemble, Matthews, McCuiston, Mitchell, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Rosborough, Swain, Watson and Wortham—30.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred House bill No. 381, entitled "An act to incorpo-

rate the Texas and Midland Railway Company," have had the same under consideration, and instructed me to report it back and recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time and the report adopted.

Mr. Stephens moved to substitute Senate bill No. 240, to incorporate the Texas and Midland Railway Company, and to aid in the construction of the same, for the pending bill, which motion was carried.

On motion of Mr. Sadler, the bill was postponed to Saturday, April 18th, instant, at 10 o'clock A. M.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee upon Internal Improvements, to whom was referred House bill No. 289, entitled "An act to incorporate the Fort Worth Street Railway Company," have had the same under consideration, and instructed me to report it back and to recommend that it do not pass, because the object contemplated by this act can be accomplished under the provisions of the general act of incorporation.

B. H. EPPERSON, Chairman.

The report was adopted, indefinitely postponing the bill.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred House bill No. 407, entitled "An act to incorporate the Henderson Branch Railway Company," have had the same under consideration, and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read second time, and the report adopted.

Mr. Johnson offered the following amendment :

Add to section five, "*Provided*, this company shall receive sixteen sections for every mile of said road that shall be constructed and put in good running order."

The amendment was adopted and the bill ordered engrossed. On motion of Mr. Epperson, the rules were suspended, the bill was read third time and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Denman, Eastland, Epperson, Farrar, Freeman,

Galvan, Harris, Harrison, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Manning, Massey, McLeary, Meissner, Miller, Murphy, Price, Rogers, Roberts, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Walker and Watts—44.

NAYS—Messrs. Bean, Bruce, Cain, Donald, Douglass, Foote, German, Hart, Hayes, Kemble, McCuiston, Mitchell, Nicholson, Patrick, Patterson, Watson and Wortham—17.

A message from the Senate announced that the Senate had refused to adopt the report of the Committee of Conference on Senate bill No. 160, "An act to reapportion the State of Texas into Congressional Districts, and had appointed Senators Dillard, Culberson, Bradshaw, Wood, Shepard and Russell a Committee of Free Conference, and asks a like committee on the part of the House.

Also, that that body had passed House bill No. 482, "An act to amend the fourth section of an act entitled an act to establish, organize and define the powers of the Criminal District Court of the cities of Dallas, McKinney and Sherman," passed June 4, 1873.

House bill No. 388, "An act concerning private corporations," with amendments by the Senate.

House bill No. 233, to enable clerks of the district courts in certain counties to qualify as justices of the peace.

Mr. Bean moved to reconsider the vote by which the House refused to pass House bill No. 365, to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto, which was carried.

Mr. Barziza moved to amend section seventeen by striking out the words "that no taxes shall be levied on the stock of the company, or the property of the company, by either the county or the State, until the work is completed."

The motion was carried.

Mr. Denman moved to amend section sixteen, by striking out "sixteen sections," and inserting in lieu thereof "eight sections." Lost.

Mr. Henderson, of Smith, moved to adjourn. Lost.

Mr. Kemble offered the following amendment:

"*Provided*, That the school lands of the State are not to be used to supply any deficit on the part of the State."

The amendment was lost.

The bill was then put upon its passage, but no quorum voting, on motion of Mr. Roberts, the House adjourned.

SEVENTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 16, 1874. }

House met. Prayer by Rev. James Younge. Roll called; quorum present.

Leave being granted, Mr. Stewart of Montgomery submitted the following report, which was ordered spread upon the journal:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Standing Committee on the State Penitentiary, now here, respectfully report its consideration of the bill referred to it, entitled "An act authorizing and empowering the Governor to appoint a commission of three persons, for the purpose of selecting suitable places for the erection of two State Penitentiaries, and to receive proposals for the building of the same." The bill urges that the increased and increasing number of penitentiary convicts, now averaging a clear increase of three hundred in number per annum, over and above those pardoned and whose term of sentence expires, with due consideration for their proper well being and comfort, together with the present crowded state of the penitentiary, which cannot healthfully accommodate more than five hundred (500) convicts, requires the building of two additional State Penitentiaries, one of them to be located north-eastward of the Trinity river, with a view of utilizing in manufactures the iron ores which abound in that section of the State, and the other to be located westward of the river Colorado, in contemplation of the manufacture of cotton, wool, leather and other material, which would not come into injurious competition with the personal industries of the mechanical professions.

Committee upon examining into the contract for the lease of the penitentiary, executed on the part of the State with Messrs. Ward, Dewey & Co., lessees, on the .. day of 1871, for the term of fifteen years from that date, find that said lessees, for the consideration of certain annual payments of money, and for the erection of certain needed penitentiary buildings, are entitled to the exclusive

possession and use of the labor of all of the convicts who may be sentenced to the penitentiary during the period of their lease, which does not expire until some time in the year 1886. From these facts it appears that the State does not, beyond the retained supervisory powers in behalf of the proper treatment and well being of the convicts, possess any right to the disposition or control of the convicts now in the penitentiary, nor to those who may be sentenced to it during the period of the lease named, without the consent of said lessees. While your Investigating Penitentiary Committee were inspecting the penitentiary, the utility of building other State Penitentiaries in sections where mineral resources abound, and where water power and material were accessible for manufacturing purposes, and of the application of convict labor in building them, was discussed with Mr. Ward, one of the lessees, and he expressed his ready willingness, for a just and proper consideration, to afford every facility on the part of the lessees, for carrying into effect such measures in relation thereto, which might be determined on by the Legislature. Since our return to the capital, Mr. Manning, one of the Inspecting Committee, addressed a letter of inquiry to Mr. Ward on the subject named, who promptly replied to him, stating that, "if a favorable site for a penitentiary was determined on, we (speaking for the lessees), would probably agree to erect a 'Branch Penitentiary' under the existing contract we have with the State, without asking for an appropriation of money before doing so. I would agree to visit the different penitentiaries in the United States, particularly those more recently built, and obtain plans and specifications, and submit them to the Commission."

Questions of some consideration have arisen in the minds of your Committee in regard to the position which the State and the lessees of the penitentiary will occupy toward each other, in the use and application of the convict labor in building additional penitentiaries, and of the use and application of the convicts confined in them when built or completed. They are here following submitted to the consideration of the House, to-wit: First, If the penitentiaries are built by the lessees with their convict labor, what application can the State make of their labor when the penitentiaries in which they are to be confined are completed? Second, If not built by the les-

sees, but still being built, for the confinement of the excess of convicts belonging to the lessees for the period of their lease, which the present penitentiary cannot accommodate, what will be the relations of the State and the lessees in regard to the support and use of the convicts who may be imprisoned in them? As before stated, the lessees are, under their contract, entitled to the possession and use of all of the convicts who may be sentenced to the penitentiary during the period of their contract, but at the same time they are bound for the same period to receive all such convicts and to support, clothe and treat them well. If the accumulation of convicts continues with the same ratio of increase that is now taking place, and from the large annual incoming of immigrant population at so many sources, it is reasonable to infer that it will, their numbers will soon become too large for the adequate management and utilization of their labor in their own support, by the lessees, and it may then become necessary for the State to take in charge the excess of convicts over the numbers that the lessees can employ and maintain. It is thence equally and mutually the interest of the State and of the lessees, to make such adjustory arrangements in view of the premises, as will be serviceable to the State, as well as to themselves. It is probable, under these circumstances, that the lessees could and would offer to the State, a better contract for the building and completing one or both penitentiaries, than any other persons in the State, and what is of much importance in the contract, in view of the early completion of one of the penitentiaries, they are ready and prepared with their well disciplined and trained convict labor, to commence and complete the work at the earliest possible day. Proper considerations however, render it expedient, that the contracts for building said penitentiaries should be duly offered, by sufficient advertisement and notice, to public competition. Your Committee suggest, as provided for in the bill, that full discretionary power be given to the Governor, either of himself or with the assistance of the Attorney General and Comptroller if by him required, to enter at once, so soon as the sites of the penitentiaries have been determined and sufficient bodies of land whereon to build the same have been acquired by the State, into contracts with reliable parties offering such terms and guarantees as he would hold it best for the interests of the State to accept.

It is deemed best by the committee to report a substitute for the bill referred to it, in which provision is made for the appointment of five commissioners of selection and location, in place of three proposed in the original bill. It is well that the three great sections of the State, yet unprovided with penitentiary facilities, to-wit: the eastern, northern and western sections, should be represented in the commission, associated with two others selected from the State at large, to aid at arriving at impartial and early conclusions in regard to the particular sections of the State and immediate localities, which should be selected for founding the penitentiaries now desired. The substitute is herewith submitted.

The Committee, while reporting the causes or reasons why additional penitentiaries should be provided, to-wit: The increasing number of penitentiary convictions, and the public desire that certain manufacturing enterprises should be developed, or assisted through the instrumentality of convict labor in appropriate structures, consider it not inappropriate, in order to prevent or correct misapprehension at home and abroad, as to the apparent increase of crime in the State, to disclose or state the causes which latterly have increased the number of penitentiary convictions. Briefly stated, they are as follows, to wit:

1. The influx of criminals fleeing from justice, disbanded Mexican soldiers and border ruffian population from the ill governed territory of Mexico, upon the western sections of the State, who are now, through the vigilance of the citizens of those sections, apprehended and brought to justice.

2. From the large annual accessions of immigrant population, which, although as a whole of the highest character, for worth, intelligence and morality, yet brings with it a proportion of the reckless and dissipated individuals opposed to the just restraints of law and society that exists in all communities, and who, on their coming to the State, seek our remote or frontier borders, there to lead lives of lawlessness.

3. The commission of offenses punishable with penitentiary penalties on the part of a portion of our population, who under the blessings and latitude conferred by freedom seem, in many instances, to be growing indifferent to the fact of their equal obligation and liability to the law and its penalties.

4. To late enactments inflicting penitentiary punishment found necessary upon lesser offenses not previously subject to such penalty, whereby a greater number of persons than formerly are now sentenced to the penitentiary, thus increasing the number of convictions without material increase of heinous and flagrant crimes. It may be further noted that the State contains nearly one and a half millions of inhabitants, and at the annual increase of three hundred convicts, the proportion of convictions does not annually amount to one person in four thousand of the population of Texas.

All of which is respectfully submitted.

	C. B. STEWART, Chairman,
H. MANNING,	E. C. STUART,
C. F. JENKINS,	W. W. OXSHEER,
J. M. HARRISON,	W. L. DENMAN,
TILLMAN SMITH,	M. H. McCUISTON,
E. F. SCHMIDT,	J. K. HELTON.

On motion of Mr. Stewart, of Montgomery, one hundred and twenty copies of the bill submitted by the committee, being a bill, to provide for the building and completing of two State penitentiaries, with views to the utilization of the convict labor of the State in mining and manufacturing enterprises, were ordered printed.

The journal of yesterday was read and adopted.

On motion of Mr. Barziza, Mr. Von Biberstein was excused for absence on yesterday, on account of having been engaged on committee business.

On motion of Mr. Harrison, Mr. Patterson was excused for the day on account of important business.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 511, "An act to amend the tenth section of an act entitled 'an act to prescribe the times of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870, and find the same correctly engrossed.

L. C. DEMORSE, for Committee.

Leave being granted, Mr. Delany submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Special Committee, to whom was referred House bill No. 176, to fix the time of holding the district courts in the Twenty-first Judicial District, and also House bill No. 386, to amend "An act to fix the times of holding the district courts of the Twenty-first Judicial District," approved June 4, 1873, have considered said bills and instruct me to report the accompanying substitute for said bills, and respectfully recommend its passage.

W. S. DELANY, Chairman.

The substitute, being of same caption, was read, and the report adopted, adopting the substitute.

On motion of Mr. Delany, the rules were suspended, the bill was read second time and ordered engrossed.

On motion of Mr. Delany, the rules were further suspended, the bill was read third time and passed.

Leave being granted, Mr. Delany submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Special Committee, appointed for the purpose of taking into consideration the present school law and the amendments thereto recommended by the Committee on Education, and also House bill No. 402, amending certain sections of "An act to establish and maintain a system of public free schools for the State of Texas," have fully considered said matter, and have instructed me to recommend, in lieu of all said amendments to said law, the passage of the accompanying bill, containing but few amendments to the law passed by the Thirteenth Legislature.

W. S. DELANY, Chairman *pro tem*.

The bill, being a bill to amend sections nine, ten, eleven, fifteen, seventeen, twenty, twenty-two and thirty-eight of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, having been read, the report was adopted.

On motion of Mr. Hayes, one hundred and twenty copies of the bill were ordered printed, and it was laid on the table to await the regular order.

Leave being granted, Mr. Chambliss submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Asylums have carefully examined House bill No. 420, "An act amendatory of an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' " approved February 5, 1858, have instructed me to report the same back and recommend its passage.

CHAMBLISS, Chairman.

The bill having been read second time, the report was adopted.

On motion of Mr. Chambliss, it was laid on the table to await the regular order, and one hundred copies were ordered printed.

The Speaker appointed the following Committee of Free Conference on Senate bill No. 160, to reapportion the State into congressional districts: Messrs. Miller, Lawhon, Stuart of Falls, Simpson, Matthews and Reeves. He also appointed Mr. DeMorse in place of Hon. Frank Rainey, resigned, upon the committee to investigate cases of bribery, fraud, or corruption connected with legislation, railroads, the judiciary, executive, heads of departments, education, public buildings and printing since 1868.

House bill No. 365, to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto, was resumed, being on its final passage.

On motion of Mr. Bean, the bill was read.

Mr. Barziza offered the following amendment: "*provided*, that nothing in this act shall be so construed as to confer any right upon said company to prejudice the navigation of the Brazos river." The amendment was adopted.

The bill then passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Cardis, Chambliss, Denman, DeMorse, Easley, Eastland, Epperson, Galvan, Gellatly, Goodwin, Helton, Henderson of Smith, Henderson of Kendall, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, McLeary, Miller, Murphy, Oxsheer, Pickett, Price, Reeves, Rosborough, Roberts, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Stuart of Falls, Von Biberstein, Walker and Watts—48.

NAYS—Messrs. Bean, Bruce, Cain, Cochran, Donald, Douglass, Foote, Freeman, German, Harris, Hart, Hayes, Jackman, Jenkins, Kemble, Matthews, McCuiston, Mitchell, Nicholson, O'Neal, Patrick, Swain, Watson and Wortham—24.

Report from the Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 490, "An act to amend article two hundred and fourteen of the Penal Code of the State of Texas;" House bill No. 449, "An act to amend an act approved March 4, 1871, entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870; House bill No. 406, "An act to add the county of Waller to the Twenty-ninth Judicial District and prescribing the times of holding the district courts in said district;" House bill No. 463, "An act authorizing the Judge of the Twenty-eighth Judicial District to hold a special term of court in Brazos county;" House bill No. 416, "An act to incorporate the Alamo Rifles of the city of San Antonio;" House bill No. 237, "An act to amend article four hundred and ninety-seven of the Code of Criminal Procedure," approved August 26, 1856; House bill No. 310, "An act to amend section two of an act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled 'an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company,' passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company, approved April 15, 1873, and which said act changed the name of said road to the New Orleans, Mobile and Texas Railroad Company." W. J. SWAIN, for Committee.

Leave being granted, Mr. Sayers submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House joint resolution, returning thanks to John A. C.

Gray, for the portrait of General Sam Houston, and also, the message of the Governor, touching the same subject, have had the same under consideration, and instruct me to report the accompanying substitute, with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The joint resolution returning thanks to John A. C. Gray having been read, the report was adopted. On motion of Mr. DeMorse, the rules were suspended, the joint resolution was read second time and ordered engrossed. On motion of Mr. Sayers, the rules were further suspended, the joint resolution was read third time and passed.

Business on the table.

On motion of Mr. DeMorse, Senate bills were ordered to be read by caption and referred.

Senate bill No. 102, for the protection of the wool-growing interest of the State, was read first time by caption, and referred to the Committee on Agriculture and Stock Raising.

Senate bill No. 171, to authorize and empower the Governor to prescribe the number of hours for labor in the several departments of the Government, was read by caption first time and referred to the Committee on State Affairs.

House bill No. 237, to amend article four hundred and ninety-seven, (497) of the Code of Criminal Procedure, approved August 26, 1856, was read third time and passed.

House bill No. 311, to amend article six hundred and ninety-four of the Code of Criminal Procedure, enacted February 15, 1858, was read third time and passed.

House bill No. 322, to amend the seventy-eighth section of "An act to define the powers and jurisdiction of district courts," passed May 13, 1846, was read third time and passed.

House bill No. 130, to prescribe the manner of making minors and persons of unsound mind parties to suits in this State, was read third time and passed.

Senate bill No. 6, to regulate the sale of the homestead, was taken up, pending the recommendation for its passage by Judiciary Committee No. 2.

On motion of Mr. McLeary, it was laid on the table to await the regular order, and one hundred copies were ordered printed.

House bill No. 385, to limit the power of taxation in cities and towns, was taken up, pending the following amendments by the Senate :

Section one, strike out near the close the following words : "*and provided further*, that this act shall not be construed to affect the power of any city or town to levy taxes, as heretofore granted in their charters." Section one, line six, by inserting after the word "town" the following : "and that no city or town shall assess an occupation tax in excess of the amount assessed by the State on such occupation or calling."

Mr. Cochran moved to concur in the amendment.

Mr. Brown, of Harrison, moved the previous question, which was seconded and ordered.

The House refused to concur in the amendments by the following vote :

YEAS—Mr. Speaker, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, Eastland, Foote, Harris, Harrison, Hart, Hayes, Henderson of Smith, Jackman, Jenkins, Kemble, McCuiston, Mitchell, Nicholson, Oxsheer, Reeves, Rosborough, Swain, Watts and Wortham—27.

NAYS—Messrs. Abner, Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Brown of Harrison, Donald, Easley, Epperson, Freeman, Galvan, Gellatly, German, Goodwin, Helton, Henderson of Kendall, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Massey, Matthews, McLeary, Meissner, Patrick, Rogers, Roberts, Sadler, Sayers, Schmidt, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Stuart of Falls, Triplett, Von Biberstein, Walker and Watson—42.

Mr. Triplett moved to recall the address sent in by the Senate, for the removal of Hon. Jas. R. Burnett, Judge of the Thirtieth Judicial District, from Judiciary Committee No. 2, and refer it to a special committee of three, in accordance with the request of the Senate. The motion was carried.

The Speaker appointed Messrs. Triplett, Swain and Brown, of Gregg, said committee.

House bill No. 388, concerning private corporations, was taken up, pending the following amendments by the Senate :

Add to Section twenty-nine, article four : "in accordance with the liability of the stockholders as contemplated under this section, and under section forty-one of article five of this act. Substitute for section ten : Section 10. The exis-

tence of the corporation shall date from the filing of the charter in the office of the Secretary of State, and the certificate of the Secretary of State shall be evidence of such filing. Any corporation organized under the provisions of this act, or entitled to organize under the provisions of this act, or any private corporation or company incorporated by special act of the Legislature, which said company or corporation would have been authorized to incorporate itself under the provisions of this act, any such company or association or corporation may amend or change their articles of incorporation, or their act of incorporation in the same manner that this act requires for the original organization of a body corporate, to-wit: by filing, authenticated as this act required, the amendments or changes to the original charter with the Secretary of State, and in case of a corporation created by special act of the Legislature, said corporation shall cause the changes or amendments to their charter to be authenticated as required by this act, and filed with the Secretary of State, together with their original charter, or such amendments as have been made by special act, which shall be recorded by the Secretary of State, followed by the proposed changes or amendments to same; such changes or amendments shall take effect and be in force from the date of filing with the Secretary of State. No amendments or changes, violative of the Constitution or laws of this State, or of this act, shall be of any force or effect; and no changes or amendments shall be of any force and effect, which are not germane to the original objects or charter of incorporation, and calculated to carry out and effect the same. All charters or amendments to charters, under the provisions of this act, shall be subject to the power of the Legislature, to alter, reform or amend the same.

The House concurred in the amendments.

A message from the Senate announced the passage by that body of the following bills, to-wit: Senate bill No. 384, to amend the title and section one of an act entitled "An act to incorporate the Bryan Real Estate and Building Association, approved May 25, 1871." Senate bill No. 371, to declare "An act incorporating the city of San Antonio, and to grant a new charter to said city, etc.," one of the unpublished laws of the Thirteenth Legislature. Senate bill No. 329, to amend "An act to incorporate the Lavaca county Tap Railway Company" passed May 30, 1873.

Mr. Sadler withdrew his motion to reconsider the vote concurring in Senate amendments to House bill No. 221, to amend the fourth section of an act entitled "An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof," approved November 12, 1866.

The following message from His Excellency the Governor, was received and ordered spread upon the journal.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 16, 1874.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

SIR—I have the honor to enclose herewith a copy of the captions of bills and joint resolutions passed by the Legislature since April 7, 1874, and approved by me.

Very Respectfully;

RICH'D COKE, Governor.

Senate bill No. 138, "An act to provide for the repayment to James Gathings, of Hill county, money illegally extorted from him by the State Police," approved April 7, 1874.

Senate bill No. 33, "An act to authorize and provide for a change of venue in civil cases," approved April 7, 1874.

House bill No. 157, "An act to protect carpenters, mechanics, artizans and other workmen," approved April 7, 1874.

House bill No. 415, "An act to prevent the leaving of dead animals in the public highways, roads or streets of this State," approved April 7, 1874.

House bill No. 99, "An act to repeal an act entitled an act to locate the county seat of Trinity county, approved May 10, 1873," approved April 7, 1874.

House bill No. 429, "An act to provide for the appointment of sheriffs *pro tem.* in certain cases and prescribing the manner of qualification and the duties of such officers," approved April 8, 1874.

Senate joint resolution No. 365, "Joint Resolution authorizing the Governor to offer a reward of not exceeding three thousand dollars for the apprehension of the highway robbers who robbed the passengers and the United States mail on the San Antonio and Austin stage on the seventh of April, 1874," approved April 8, 1874.

House bill No. 89, "An act to adjust and define the western boundary line of San Jacinto county," approved April 8, 1874.

Senate bill No. 64, "An act amendatory of an act supplementary to an act authorizing the disposition and sale of the University lands, approved August 30, 1856; approved November 12, 1866;" approved April 8, 1874.

Senate bill No. 22, "An act to amend an act entitled an act regulating elections, approved March 31, 1873, and an act entitled an act to amend an act regulating elections, approved April 1, 1873," approved April 8, 1874.

Senate substitute for House bill No. 430, "An act to reorganize the Fourth Judicial District of the State of Texas, and to provide for the holding the courts therein," approved April 8, 1874.

House bill No. 399, "An act to add the counties of Chambers, Liberty, Harden and Jefferson to the Second Judicial District, and to prescribe the times of holding courts in said District," approved April 8, 1874.

House bill No. 128, "An act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans or other marauding or thieving parties," approved April 10, 1874.

House bill No. 382, "An act to recognize and to provide for the payment of Lieutenant J. M. Elkins' company of minute men organized in Coleman county," approved April 10, 1874.

Senate bill No. 381, "An act to further provide for the sale of bonds to pay the public debt," approved April 13, 1874.

Senate bill No. 347, "An act to amend section thirteen of an act entitled an act to incorporate the Galveston Bank and Trust Company, approved April 21, 1871," approved April 13, 1874.

House bill No. 316, "An act to legalize the acts of certain officers," approved April 14, 1874.

Senate bill No. 307, "An act to amend section two and three of an act entitled an act to define the Tenth Judicial District of the State of Texas," approved April 14, 1874.

Senate bill No. 316, "An act making an appropriation for the salary of two of the Associate Justices of the Supreme Court," approved April 14, 1874.

House bill No 408, "An act relating to the bonds of sheriffs," approved April 14, 1874.

Senate bill No. 361, "An act authorizing the Governor to postpone special elections for Senators and Representatives in certain cases," approved April 14, 1874.

House bill No. 179, "An act to create the county of Lee," approved April 14, 1874.

House bill No. 32, "An act authorizing clerks of the District Court and Justices of the Peace to issue writs of garnishment in certain cases herein provided," approved April 14, 1874.

House bill No. 19, "An act to aid in recovering stolen property," approved April 14, 1874.

Senate bill No. 299, "An act to require the several sheriffs of this State to execute additional bonds in certain cases," approved April 14, 1874.

Senate bill No. 374, "An act to authorize the Judge of the Twenty-fourth Judicial District to hold a special term of court in the county of Kinney," approved April 14, 1874.

Substitute for Senate bill No. 320, "An act to provide for the supplying of lost records in the several counties in this State," approved April 14, 1874.

Senate joint resolution No. 194, "Joint Resolution authorizing the Adjutant General of this State to make application to the Commanding General of the United States army for additional troops for the protection of the frontier of Texas," approved April 14, 1874.

Senate bill No. 352, "An act to amend an act entitled an act prescribing the times of holding the District Court in the several Judicial Districts in the State, approved August 10, 1870," approved April 14, 1874.

Senate bill No. 352, "An act to amend an act entitled 'an act prescribing the time of holding the district court in the several judicial districts in the State,' approved August 10, 1870," approved April 14, 1874.

Senate bill No. 205, "An act to attach the county of Waller to the Thirteenth Senatorial District," approved April 14, 1874.

Senate joint resolution No. 363, "Joint Resolution empowering the Governor to employ counsel to prosecute any persons, and to make an appropriation to defray the expenses in said prosecution," approved April 14, 1874.

Senate bill No. 164, "An act to amend section eighteen of an act entitled 'an act concerning proceedings in the district court,' passed the sixteenth day of March, eighteen

hundred and forty-eight," and took effect August 1, 1848, approved April 15, 1874.

Senate bill No. 328, "An act to amend an act amendatory of an act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870, approved April 17, 1871," approved June 4, 1873, approved April 15, 1874.

Mr. Stephens moved to take up the address for the removal of Hon. J. P. Osterhout, Judge of the Thirty-fourth Judicial District. It was taken up.

On motion of Mr. Stephens, the address was referred to Judiciary Committee No. 2, with instructions to report thereon Monday next.

Senate bill No. 162, to encourage manufacturing establishments, and to exempt the structures, machinery and mechanical appliances thereof from taxation for ten years, was taken up pending a report thereon by the Committee on Commerce and Manufactures.

On motion of Mr. Miller, the committee were allowed to withdraw the bill and report for the purpose of perfecting the same.

On motion of Mr. Smith, of Grimes, the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

Leave being granted, Mr. Denman introduced a bill to incorporate the Houston and East Texas Narrow Gauge Railroad Company, which was read first time by caption and referred to the Committee on Internal Improvements.

House bill No. 357, to authorize the issuance of land certificates to the heirs of those who fell in the Dawson massacre in 1842, was read second time and ordered engrossed.

On motion of Mr. Stuart, of Falls, the rules were suspended and the bill was read third time.

Mr. Chambliss offered the following amendment: "Include all who fell at the Alamo, who never obtained their land, and all who served in any of the companies of the Texas revolution which separated Texas from Mexico, and who have not received any land." The House refused to adopt the amendment. The bill then passed by the following vote:

YEAS—Mr. Speaker, Anderson, Ballard, Barziza, Bean, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Epperson, Foote, Freeman, Galvan, German, Goodwin, Harris, Harrison, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Kemble, Kessler, Lawhon, Lindsey, Linn, Manning, Matthews, Mitchell, McLeary, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Price, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Smith of Travis, Stephens, Stuart of Falls, Triplett, Walker, Watson and Wortham—64.

NAYS—Messrs. Farrar, Johnson, Lea, Massey, McCuiston, Meissner, Reeves, Simpson, Smith of Grimes, Von Biberstein and Watts—11.

Mr. Miller asked leave for the Committee on Commerce and Manufactures to report upon House bill No. 162, to encourage manufacturing establishments, and to exempt the structures, machinery and mechanical appliances thereof from taxation for ten years.

The House refused.

House bill No. 380, to regulate the management of railroad companies, was taken up.

On motion of Mr. Sayers, the House proceeded to consider the bill by sections.

Section one having been read, Mr. Kessler offered the following amendment thereto: "Section one, line eight, after the word 'apart,' insert 'unless there be a town within three miles at the end of each seventeen miles.'" The House refused to adopt the amendment.

Mr. McCuiston moved to amend section two, line fourteen, by striking out "any." Carried. The section was then adopted.

Sections three, four, five, six, seven and eight were adopted *seriatim*.

Mr. Sayers offered the following additional section as an amendment: "Sec. 9. That this act take effect and be in force thirty days after its passage." The section was adopted.

Mr. Hayes moved to amend section two by inserting in line twenty-two, after the word "offered," "and shall be required to transfer said freight at the rate of twenty-five miles for every twenty-four hours after receipt thereof." The amendment was lost.

Mr. Stuart, of Falls, moved to amend section eight by striking out all between the word "county," in line eight, and the word "provided," in line thirteen, and inserting in lieu thereof "where the freight is received." The amendment was adopted.

Mr. Anderson moved to amend section seven, line fifteen, by striking out the words "including his attorney's fees." The amendment was adopted.

Mr. Galvan moved to amend section one, line nine, by inserting after the word "passengers" the words "when requested so to do by one hundred land owners and producers." Lost.

Mr. Murphy moved to amend section one by adding to line nine "*provided*, said company is petitioned by fifty voters of the county through which said road should pass, to establish a depot." The amendment was adopted. The bill was ordered engrossed.

On motion of Mr. Manning, the rules were suspended, the bill was read by caption third time and passed.

On motion of Mr. Sayers, he was excused from the Special Committee upon House bill No. 108, to regulate fees of office, and Mr. Stewart, of Montgomery, was substituted in his place.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 386, "An act to amend 'an act to fix the time of holding the district courts of the Twenty-first Judicial District,'" and find the same correctly engrossed.

L. C. DEMORSE, for Committee.

A message from the Senate announced the passage by that body of House bill No. 252, granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners, the survivors of the company of Captain Dawson, who was massacred near San Antonio in the year 1842, the survivors of those who were captured at the city of San Antonio in the fall of the year 1842, and taken to the Castle of Peroté and confined therein, and the survivors of Deaf Smith's Spy company, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of the thirteenth of August, 1870, previous to the first of July,

1874, with amendments by the Senate; and House bill No. 41, to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns, with amendments by the Senate.

On motion of Mr. Miller, the House adjourned.

SEVENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 17, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Mr. Stuart, of Falls, moved to reconsider the vote passing House bill No. 380, to regulate the management of railroad companies, which was carried.

Mr. Stuart, of Falls, moved to amend section eight by striking out the words 'where freight is received' and inserting in lieu thereof 'where the said freight was delivered to said road, or to be delivered to consignee, at the discretion of the owner.'

The amendment was adopted.

Mr. Epperson moved to amend section two by inserting after the end of line twelve: "*provided*, the said place of delivery is on the line of the said railroad."

The amendment was adopted.

Mr. Stuart, of Falls, offered the following amendment:

"Section two, strike out all between and inclusive of 'within,' in line fourteen, and 'expense' in line eighteen, and insert in lieu thereof 'and keep the same subject to the owner or consignee for three days, and, if not called for in that time, then the said company may store the same with some responsible receiving or forwarding merchant at the expense of the owner.'"

The amendment was adopted and the bill passed.

The journal of yesterday was read and adopted.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House bill No. 48, entitled "An act to reorganize Young county;" also

House bill No. 55, entitled "An act to suspend the powers of an act entitled an act to levy a special tax in the county of Angelina," passed May 23, 1873; also, House bill No. 77, entitled "An act to amend section one of an act to incorporate the Texas Banking and Insurance Company," approved June 28, 1870; also, House bill No. 213, entitled "An act relating to the headright claim of Louis Rosseau to three hundred and twenty acres of land;" also, House bill No. 482, entitled "An act to amend the fourth section of an act entitled an act to establish, organize and define the powers of the Criminal District Court of the cities of Dallas, McKinney and Sherman," passed June 4, 1873; also, House bill No. 510, entitled "An act to reassess taxes in certain cases," and presented the same to the Governor for his approval, on yesterday, the sixteenth day of April, 1874, at four o'clock, P. M. E. D. LINN, Chairman.

Leave being granted, Mr. Stephens submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Special Committee, to whom was referred House bill No. 108, "An act to regulate the fees of office," have had the same under consideration, and instructed me to report the accompanying substitute, and to recommend its passage. J. D. STEPHENS, Chairman.

Leave being granted, Mr. Triplett submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Special Committee, to whom was referred the matter of the address against the Hon. James R. Burnett, Judge of the Thirtieth Judicial District, have considered the same and are of the opinion that the charges, if true, are sufficient causes for voting the address, and instruct me to report the same back for the further action of this House. D. H. TRIPLETT, Chairman.

The report was adopted.

The following resolution accompanying the address was read:

Resolved, That the address of the Senate and House of Representatives of the State of Texas, requesting the re-

removal of James R. Burnett, District Judge of the Thirtieth Judicial District, be entered upon the journals of both Houses of this Legislature, and that said James R. Burnett be served with a copy of said address, and that citation, issue requiring him, the said Burnett, to appear before the proper committee of three from the Senate and five from the House, within the time required by the rules governing such cases, and show cause why such address should not be adopted; and that a committee of three from the Senate and five from the House be appointed to consider said address and conduct proceedings thereon.

On motion of Mr. Smith, of Grimes, the resolution was adopted.

To His Excellency, Richard Coke, Governor :

The Senate and House of Representatives of the State of Texas, do hereby address your Excellency, and represent and charge that one James R. Burnett, Judge of the Thirtieth (30) Judicial District, in the State of Texas, is unfit to hold the office of district judge of the district court aforesaid, and in the Senate and House of Representatives, reserving the right hereafter to prefer additional charges and cause of removal, do request that the said James R. Burnett be removed from his office as judge aforesaid for the following causes, to-wit:

1. In the case of the State *vs.* Nat. Outlaw, Joseph Wright, John McParish and Fred Parks, charged with the murder of one Sam Jenkins, on or about the fifth day of December, 1870, in the county of Walker, the district court being then in session, and the grand jury of said county having thoroughly investigated the case, aided and assisted by the district attorney, and not being able under their oaths to present said parties under said charge; it is charged that the said James R. Burnett, Judge of the Thirtieth Judicial District, after the adjournment of his courts, and being moved thereto by fear of losing his said office, through the influence of James Butler, then a member of the Twelfth Legislature, and others of like political faith, did on or about the fifth day of January, 1871, send for and obtain a body of State police, and caused said Outlaw, Wright, Parish and Parks to be arrested and brought before him the said Burnett, as an examining court, having first procured an affidavit to be made by one Solomon Jones, who knew nothing of the truth of the same, charging

said parties with the murder of said Sam Jenkins, the said Solomon being early thereafter appointed on the police force, by the recommendation of said Burnett to the Governor; and the said Burnett having then and there heard all the evidence and reduced the same to writing, and having then and there prejudged said cause, did then and there refuse bail to said parties, when under the law and the evidence, they were clearly entitled to bail, and were then and there able and ready to give any amount of bail required.

2. It is further charged that the said J. R. Burnett, Judge aforesaid, did on the twelfth, and again on the seventeenth days of January, 1871, by letters of said date, falsely represent to E. J. Davis, Governor of Texas, and did falsely say and write to said Governor as follows, to-wit: "The civil authorities, I regret to say, are unable for the present to execute the laws"—and did otherwise disparage the good people of Walker county as to their willingness to suppress crime, which representations were false and a slander upon the good people of said county, who were, then and since, and now aver, willing and ready to support the civil authority in the rightful exercise of its power. And it is further charged that by and through the said false representations so made by the said Burnett to the said E. J. Davis, he the said Burnett, did procure at the hands of the said Davis, Governor of Texas, a proclamation of martial law in said county of Walker, on or about the fifteenth day of February, 1871, and procured the same to be enforced, to the great terror and oppression of the good people of said county, and that the said Burnett by the means aforesaid did procure thereby the suspension of the laws in said county, and the suspensions of the functions of every civil officer in said county, and procured and caused the same to be usurped by a military commission or court martial, which lawless power reigned supreme in said county for the space of three weeks; and by reason thereof many of the good citizens of said county were arrested, without warrant or complaint made, said citizens being then and there tried by said military power, and heavy fines and penalties assessed and inflicted, and one of them, Nat Outlaw, imprisoned in the penitentiary for the term of four years, to the great terror and oppression of the good and law-abiding people of said county.

3. And it is charged that said Burnett, judge of said district, did on or about the fifth day of February, 1871, send a communication in writing to the said E. J. Davis, Governor of Texas, by the hands of one William Baines, a citizen of Grimes county, who undertook and performed said service at the instance and request of said Burnett, which letter, together with a verbal communication, was handed and made to said Davis, by said Baines, at which time he, the said Davis, had not declared martial law in said county of Walker, when said Davis as Governor of Texas, upon receipt of said last letter and message so delivered and made by said Baines, as the agent and courier of said Burnett, did through the means and information aforesaid, declare martial law in said county, whereby the good people of said county, were deprived of the protection of the laws, in their lives, liberty and property, and thereby procuring them to be turned over to an illegal, corrupt and irresponsible military power, headed by one James Davidson, Chief of Police, and other like bad characters, whereby the good people of said county were greatly oppressed and required to pay large sums of money in taxes, levied and collected and fines imposed, amounting to about the sum of eight thousand dollars, all of which was done and suffered, by the procurement of him the said James R. Burnett, judge as aforesaid.

4. And it is further charged, that on or about the twenty-fifth of February, 1871, and while said county of Walker was under martial law, by the procurement of said Burnett, the military power being then supreme, a military force, at the instance of one John Spencer, with force and arms did proceed to the house of one William Skelton, of said county, and surrounded his house and put his wife in great terror and alarm; and then and there, with force and arms, and under threats of instant death, did compel said Skelton to deliver up to said force his crib key, and then and there did rob him, the said Skelton, of every bushel of corn on his premises, and put the same into the possession of said Spencer, who removed it by the force aforesaid; when Benton Randolph, Esq., made application, in due form of law, to said Burnett, judge as aforesaid, for an injunction to restrain said Spencer and his lawless associates from depriving him, the said Skelton, of his bread, and the said Burnett, then and there refused said writ, thereby aiding and abetting said lawless acts and robbery.

5. And it is further charged that said Burnett attempted to assassinate, and to procure to be assassinated, one of the counsel in the case of the State *vs.* Outlaw *et al.*, tried before him as an examining court, said attorney being assaulted by said Burnett, he being surrounded by an armed body of State police, the said attorney being alone and unarmed, and this on or about the day of March, 1871.

6. And it is further charged, that after said Burnett had procured the declaration of martial law in Walker county, and while he was holding court in Grimes county, on or about the fifteenth of February, 1871, he, the said Burnett, did then and there furnish to one Farrow, captain of State police, the names of citizens of Walker county to be arrested, the said Farrow being then and there on his way to Walker county to assist in the enforcement of martial law, and as a member of said court martial; and it is alleged that said Farrow, upon his arrival in said county, did arrest the persons whose names had been furnished him by said Burnett, without warrant or complaint made, supported by affidavit, whereby he, the said Burnett, became a party to these lawless acts and false imprisonments.

And it is charged that in all these acts, doings and devices of said Burnett, he was moved thereunto by a wicked, oppressive and revengeful spirit towards the good people of said county, and did by his acts and doings aforesaid in procuring the arrest and trial of citizens by said court martial, make himself *particeps criminis* in the false imprisonment of sundry citizens of said county, to-wit: C. Breefields, John Garrett, Sam Wilson, George Luff, G. W. Rather, Thomas Walker, C. Kess, and many others, by reason whereof he has made himself odious to the respectable and law-abiding portion of the people of said county.

7. And it is further charged, that at the March term, 1874, of the district court of Walker county, John McParish, one of the persons charged with the murder of Sam Jenkins, and who had been refused bail by said Burnett, came into open court and demanded a trial before a jury of his country, and was then and there tried and acquitted (the testimony being substantially the same as that taken before said judge when he refused him bail), said verdict showing that said Parish was entitled to bail in the first instance; and upon the conclusion of said trial said judge did congratulate him, the said Parish, upon his acquittal, and did then and there apologise to said Parish for having

refused him bail, upon the plea that he was compelled so to act (meaning thereby that he, the said judge, would have lost his office had he granted bail). All of which was a reflection upon the high office he holds.

Wherefore, the Senate and House of Representatives of the State of Texas do say that, because of the complicity of said James R. Burnett, Judge of the Thirtieth Judicial District, in conspiring with others to overthrow civil rights in said county of Walker, and of his criminal acts and doings in procuring the proclamation of martial law in said county, and of his participation in the crime of false imprisonment of C. Briffields, John Garrett, Sam Wilson, George Luff, B. Courtade, G. W. Rathu, C. Hess and Nat. Outlaw and others, that he, judge as aforesaid, is not worthy to hold the high office he now holds and occupies, and demand and request his removal therefrom; and the Senate and House of Representatives do reserve unto themselves the right to add hereto additional charges, and to offer such proofs as may be necessary to sustain the address.

Leave being granted, Mr. Rosborough introduced a bill, to establish the *per diem* pay and traveling expenses of members of the Legislature, which was read third time.

Mr. McLeary moved to refer the bill to the Committee on State Affairs.

Mr. Kemble moved to take up House joint resolution No. 38, regulating the mileage and *per diem* of the members, and the *per diem* pay of the officers of the Legislature of the State of Texas.

The special order, Senate bill No. 136, to extend the time for the construction of works of internal improvements, was announced pending the report of the Committee on Internal Improvements containing an amendment to the bill.

Mr. Rosborough moved to postpone the special order until the pending matter should be disposed of. The House refused to postpone. The report and bill were read.

Mr. Kessler moved to lay the report on the table temporarily, and to take up the bill. The motion was lost.

The amendment offered by the committee was rejected by the following vote:

YEAS—Mr. Speaker, Abner, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Delany, Donald, Easley, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Hen-

derson of Smith, Henderson of Kendall, Johnson, Kessler, Lawhon, Lea, Lindsey, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Price, Reeves, Roberts, Schmidt, Scott, Simpson, Stewart of Montgomery, Triplett, Von Biberstein and Walker—39.

NAYS—Messrs. Anderson, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, Denman, DeMorse, Douglass, Eastland, Farrar, Foote, German, Goodwin, Hart, Hayes, Helton, Jackman, Jenkins, Kemple, Manning, McCuiston, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Rosborough, Sadler, Sayers, Smith of Travis, Smith of Grimes, Stephens, Stuart of Falls, Swain, Watson, Watts and Wortham—40.

Mr. Stuart, of Falls, offered the following amendment:

“Amend section one, line twelve, by striking out all after the word ‘as,’ and insert the following: ‘to apply to any roads heretofore chartered, and which have not, by the time of the expiration of their respective charters, completed at least twenty-five miles of said road; *provided further*, that any road availing itself of this extension of time shall abate all subsidies heretofore voted to said road by any county, town or city corporation to which said road has not been completed by the time required in said original charter.

Mr. Goodwin offered the following amendment to the amendment:

“*Provided*, that all railroad companies who wish to avail themselves of the benefit of this act, shall within ninety days after the passage of this act, file with the Comptroller a good and sufficient bond, with at least two sureties, to be approved by the Comptroller, in the sum of twenty thousand dollars, which said bond shall be payable to the State of Texas, and conditioned that such company shall in good faith begin to construct, or continue to construct, as the case may be, their road sixty days before the year shall expire, and that they will construct and complete at least ten miles of their road within the next twelve months, or more, should their charter require it, which said bond shall be filed in the office of the Comptroller, and if forfeited, shall be collected like other statutory bonds.”

Mr. O'Neal offered the following substitute for the amendment and the amendment thereto:

“*Provided further*, that all subsidies heretofore voted to any railroad included in this act, of money, county or

city bonds, shall be forfeited, revoked and rendered null and void to all intents and purposes."

Mr. Watson moved to indefinitely postpone the whole matter.

On motion of Mr. Miller, the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Matthews and Pickett.

The Speaker announced the following committee on the address for removal of Hon. James R. Burnett, Judge of the Thirtieth Judicial District: Messrs. Farrar, O'Neal, Simpson, Pickett and Gellatly.

On motion of Mr. Henderson, of Smith, Mr. Matthews was excused for the evening on account of sickness.

Mr. Wortham, by leave, offered the following resolution:

Resolved, That the use of the hall of the House of Representatives be granted to Dr. W. R. Robinson, District Deputy and State Lecturer of the Independent Order of Good Templars, for the purpose of a temperance address this evening, at 7:30 P. M.

The House refused to adopt the resolution.

Leave being granted, Mr. Sayers offered the following resolution:

Resolved, That the hall of the House of Representatives is tendered to the I. O. O. F., on the evening of the twenty-sixth inst., the occasion of the celebration of the fifty-fifth anniversary of their Order.

The resolution was adopted.

On motion of Mr. Linn, the vote refusing to adopt the resolution tendering the hall to the Independent Order of Good Templars, was reconsidered.

The resolution was then adopted.

Senate bill No. 136, to regulate the management of railroad companies, was resumed, pending an amendment by Mr. Stuart, of Falls, an amendment thereto by Mr. Goodwin, a substitute for both by Mr. O'Neal, and a motion to indefinitely postpone the whole matter. The motion to postpone was put and lost.

Mr. O'Neal asked leave to withdraw his substitute, which was granted.

The House refused to adopt the amendment to the amendment by the following vote:

YEAS—Messrs. Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Denman, DeMorse, Douglass, Easley, Farrar, Foote, German, Goodwin, Hart, Hayes, Jenkins, Kemble, Kessler, Lea, Nicholson, O'Neal, Patrick, Patterson, Rosborough, Sadler, Simpson, Smith of Grimes, Stephens, Swain, Von Biberstein and Watson—33.

NAYS—Mr. Speaker, Abner, Beck, Brown of Harrison, Cochran, Delany, Donald, Eastland, Epperson, Freeman, Gallatly, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Lawhon, Lindsey, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Murphy, Oxsheer, Price, Reeves, Rogers, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Stuart of Falls, Triplett, Walker, Watts and Wortham—41.

Mr. O'Neal offered the following substitute for the amendment:

Provided, that no railroad company which shall avail itself of the privileges and extensions provided for in this act, shall demand, take, accept or receive from any county, city or town, any bonds or money, which may have been donated to said company by a vote of the people of such county, city or town.

On motion of Mr. Swain, Mr. Linn was excused for the evening.

The substitute was adopted by the following vote:

YEAS—Messrs. Barziza, Bean, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, DeMorse, Douglass, Easley, Epperson, Foote, Galvan, Gellatly, German, Harris, Harrison, Hart, Hayes, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Nicholson, O'Neal, Patrick, Patterson, Reeves, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—53.

NAYS—Mr. Speaker, Abner, Anderson, Ballard, Beck, Brown of Gregg, Brown of Harrison, Denman, Donald, Eastland, Freeman, Goodwin, Helton, Henderson of Smith, Kemble, Lea, Lindsey, Miller, Murphy, Oxsheer, Price, Rogers, Rosborough, Roberts and Stewart of Falls—25.

Mr. Scott offered the following amendment to the amendment: "Amend by adding '*and provided further*, that any road proposing to avail itself of any benefits under this

act shall, within sixty days after the passage of this act, deliver free of charge to each and every Master of any Grange of the Patrons of Husbandry, on the line of said road, not less than five tons of good malleable iron, suitable to be worked up into plow shares and horse shoes for the use of the farmers.' "

Mr. German moved to lay the amendment on the table, which carried.

Mr. Cochran offered the following amendment: "Add to the amendment 'before the expiration of two years after the passage of this act.' "

Mr. O'Neal moved to lay the amendment on the table, which carried.

The House refused to adopt the amendment by the following vote:

YEAS—Messrs. Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, DeMorse, Douglass, Epperson, Farrar, Foote, Gellatly, German, Hart, Hayes, Jenkins, Johnson, Manning, McCuiston, Nicholson, O'Neal, Patterson, Reeves, Sadler, Simpson, Smith of Grimes, Stephens, Swain and Watson—30.

NAYS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Delany, Denman, Donald, Easley, Eastland, Freeman, Galvan, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Kemble, Kessler, Lawhon, Lea, Lindsey, Mitchell, McLeary, Meissner, Miller, Murphy, Oxsheer, Patrick, Price, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Stuart of Falls, Triplett, Von Bibberstein, Walker, Watts and Wortham—48.

Mr. Smith, of Grimes, offered the following amendment: "Add at the end of section one '*provided further*, that any railway company which may avail itself of the provisions of this act, hereby agree and consent that the amount which said company may charge for the carriage and transportation of freight and passengers may be regulated from time to time, as may be necessary, by the Legislature of the State of Texas, and said amount at all times shall be under the control and supervision of the Legislature, without regard or reference to section fifteen of an act approved February 7, 1854, of the general provisions of the laws of the State of Texas, or any other general law of this State relating to railroads.' " The House refused to adopt the amendment.

Mr. Jackman offered the following amendment: "Add to the end of section one '*and provided further*, that nothing in this act shall be so construed as to apply to the International Railroad.'"

Mr. Hayes offered the following amendment to the amendment: "*Provided*, that no railroad company shall avail itself of the provisions of this act that now claims any money subsidies from this State."

Mr. Epperson moved to lay both amendments on the table, which carried.

Mr. Watson offered the following amendment: "*Provided*, that the Texas Pacific Railroad Company shall not be entitled to the benefit of this act should it fail to complete that portion of the Trans-Continental branch of its road between Brookston, in Lamar county, and Texarkana, in Bowie county, by the first day of October, 1874."

Mr. Epperson moved to lay that amendment on the table, which carried by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Chambliss, Delany, Donald, Eastland, Epperson, Freeman, Galvan, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lindsey, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Oxsheer, Price, Reeves, Roberts, Schmidt, Scott, Smith of Travis, Stuart of Falls, Von Biberstein, Walker and Watts—43.

NAYS—Messrs. Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cochran, Denman, DeMorse, Douglass, Easley, Gellatly, German, Hart, Hayes, Jenkins, Kemble, Lawhon, Lea, McCuiston, Nicholson, O'Neal, Patrick, Patterson, Rogers, Rosborough, Sadler, Sayers, Simpson, Smith of Grimes, Stephens, Swain, Triplett, Watson and Wortham—34.

Mr. Murphy moved to adjourn. Lost.

Mr. Brown, of San Saba, moved to reconsider the vote refusing to adopt the amendment offered by the Committee on Internal Improvements to the pending bill.

Report from Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared and find correctly engrossed the following House

bills: House bill No. 365, "An act to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto;" House bill No. 357, "An act to authorize the issuance of land certificates to the heirs of those who fell in the Dawson massacre in A. D. 1842," and also House joint resolution No. 39, "Returning thanks to John A. C. Gray.

L. C. DEMORSE, for Committee.

A message from the Senate announced the passage by that body of the following bills:

House bill No. 331, to repeal articles thirty and thirty-one of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870, with amendments by the Senate.

Senate bill No. 48, to fortify land titles.

Senate bill No. 395, to define the Twenty-second Judicial District, and to fix the times of holding the courts therein.

Senate joint resolution No. 331, authorizing the late State Printer to deliver two thousand copies of the general laws of the Thirteenth Legislature, printed in the German language, to the Secretary of State.

Senate bill No. 383, prescribing the times of holding the district courts in the Sixteenth Judicial District of the State of Texas.

On motion of Mr. Kessler, the House adjourned.

EIGHTIETH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 18, 1874. }

House met; prayer by Rev. Mr. Robinson. Roll called; quorum present.

Absent—Messrs. Matthews and Pickett.

On motion of Mr. Reeves, Mr. Pickett was excused for the day on account of sickness.

On motion of Mr. Henderson, of Smith, Mr. Matthews was excused for the day on account of sickness.

The Speaker submitted the following communication:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The undersigned were appointed as a committee from the State Grange of Texas, now in session in the city of Austin, for the purpose of requesting of your honorable body the use of the hall of the House of Representatives, this evening, at eight o'clock, in order that an address may be delivered therein by a member or members of the State Grange, setting forth the objects and aims of the Patrons of Husbandry.

L. E. GILLET,
J. T. RATLIFF,
W. H. BUCK.

Austin, Texas, April 18, 1874.

On motion of Mr. Kemble, the request was granted.

The journal of yesterday was read and adopted.

Mr. Sayers moved to take up House bill No. 252, granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners; the survivors of the company of Captain Dawson, who were massacred near San Antonio in the year 1842; the survivors of those who were captured at the city of San Antonio, in the fall of the year 1842, and taken to the castle of Perote and confined therein, and the survivors of Deaf Smith's Spy company, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of August 13, 1870, previous to the first of July, 1874, in order to concur in the Senate amendments thereto.

The motion was carried, and the bill was taken up, pending the following amendments by the Senate :

"Amend section fourteen by adding to it the following: 'And the State of Texas, in recognition of the gallant deeds and services rendered by the patriots that fought for the independence of Texas, hereby dedicates a silver medal to each and every soldier who participated in the battles for independence, and the Comptroller is hereby directed to cause the manufacturing of said silver medals; the medal on one side to have the name of the veteran, company and regiment, and on the other side a Lone Star of Texas.'"

"Amend section one, line twenty by inserting after the word 'service' the following: 'or who may be now disabled by loss of sight or limb from any cause.'"

The amendments were concurred in *seriatim*.

Mr. Cochran moved to take up other House bills with Senate amendments thereto on the table.

The House refused.

Senate bill No. 136, to extend the time for construction of works of internal improvement, was resumed, pending a motion to reconsider the vote by which the House refused to adopt the amendment offered by the Committee on Internal Improvements.

The motion to reconsider was put and carried.

The amendment was then adopted by the following vote:

YEAS—Mr. Speaker, Abner, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Chambliss, Delany, Donald, Easley, Epperson, Freeman, Galvan, Gellatly, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, O'Neal, Patrick, Price, Reeves, Rogers, Roberts, Scott, Simpson, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker and Watson—44.

NAYS—Messrs. Anderson, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cochran, Denman, DeMorse, Douglass, Eastland, Farrar, Foote, German, Hart, Hayes, Helton, Jackman, Kemble, Manning, McCuiston, Nicholson, Oxsheer, Patterson, Rosborough, Sadler, Sayers, Schmidt, Smith of Travis, Smith of Grimes, Watts and Wortham—32.

Mr. Sayers offered the following amendment:

"*Provided*, the railway company, known as the Galveston, Harrisburg and San Antonio Railway Company, chartered by an act passed July 27, 1870, shall not be entitled to the benefit of this act, unless it shall build its road through the towns of Gonzales and Seguin, and establish and maintain a freight and passenger depot within one-half mile of the courthouse of said towns, and also, extend a branch to the town of New Braunfels."

The special order, Senate bill No. 240, to incorporate the Texas and Midland Railway, and to aid in the construction of the same, was announced. On motion of Mr. Stephens, it was postponed, until the pending bill, and the International Railroad bill should be disposed of.

Mr. Kessler offered the following substitute for the amendment:

"*Provided*, the railway company, known as the Galveston, Harrisburg and San Antonio Railway Company, char-

tered by an act passed July 27, 1870, shall not be entitled to the benefit of this act, unless it build and maintain its main line or a branch to the towns of Gonzales, Seguin and New Braunfels, and run and maintain said line or branch with the same regularity as the main trunk, and further, said company shall build and maintain a freight and passenger depot at each of the above towns within one mile of the public square; *provided, however*, that said towns shall pay to such railway company eight thousand (\$8000) dollars in eight per cent. bonds, payable in twenty years, per mile for such distance that said road may be required to build out of their route to build said main line or branch."

Free discussion having been had, Mr. McLeary moved a call of the House, which was seconded and ordered.

Absent—Messrs. Linn and Scott.

On motion of Mr. Sayers, the call was suspended.

The House refused to adopt the substitute by the following vote:

YEAS—Mr. Speaker, Brown of San Saba, Cain, Cardis, Chambliss, Epperson, Foote, Harris, Hayes, Henderson of Kendall, Johnson, Kessler, Lawhon, Murphy, Patrick, Rogers and Rosborough—17.

NAYS—Messrs. Abner, Anderson, Ballard, Barziza, Bean, Beck, Brown of Harrison, Bruce, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Farrar, Freeman, Galvan, Gellatly, German, Goodwin, Harrison, Hart, Helton, Henderson of Smith, Jackman, Jenkins, Kemble, Lea, Lindsey, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Miller, Nicholson, O'Neal, Oxsheer, Patterson, Price, Reeves, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stuart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—62.

Mr. Jackman moved to amend the amendment by striking out "Seguin and New Braunfels." The House refused to strike out.

Mr. Kessler moved to amend the amendment by adding thereto "and establish and maintain a freight and passenger depot within one mile of the public square of said town."

Mr. Sayers accepted the amendment.

The House refused to adopt the amendment by the following vote:

YEAS—Messrs. Bean, Bruce, Cain, Cochran, Denman, DeMorse, German, Hart, Hayes, Helton, Jackman, Jenkins, Kemble, Kessler, Linn, Manning, McCuiston, Miller, Patterson, Rogers, Sadler, Sayers, Smith of Grimes and Wortham—24.

NAYS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Donald, Douglass, Easley, Eastland, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Henderson of Smith, Henderson of Kendall, Johnson, Lawhon, Lea, Lindsey, Massey, Mitchell, McLeary, Meissner, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Price, Reeves, Rosborough, Roberts, Schmidt, Scott, Simpson, Smith of Travis, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson and Watts—55.

Mr. Sayers offered the following amendment: *Provided*, the Railway Company known as the Galveston, Harrisburg and San Antonio Railway, chartered by an act passed July 27, 1870, shall not be entitled to the benefit of this act unless it shall refund to the proper owners the five per cent. paid on the capital stock of the Railway Company known as the Columbus, San Antonio and Rio Grande Railroad, chartered October 6, 1866.

Mr. Roberts moved to adjourn. The House refused.

The House refused to adopt the amendment.

Mr. Epperson moved the previous question, which was seconded. The House refused to order the main question.

Mr. Smith of Grimes offered the following amendment: Add to section one "*Provided further*, that the extension of time allowed to railroads under this act shall not in any case exceed one year from the passage of this act."

Mr. Reeves moved to lay the amendment on the table, which was carried.

Mr. Sadler offered the following amendment: Add to section one, *Provided*, that the Gulf, Colorado and Santa Fe Railway Company shall not be entitled to the benefits and provisions of this act unless said Company shall run to and establish a depot within a half mile of the towns of Gatesville, in Coryell county, Hamilton, in Hamilton county, and Comanche, in Comanche county. The amendment was adopted by the following vote:

YEAS—Messrs. Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Delany, Denman, DeMorse,

Douglass, Easley, Farrar, Foote, Freeman, German, Hart, Hayes, Helton, Jackman, Jenkins, Kemble, Lea, Manning, McCuiston, Mitchell, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Rosborough, Sadler, Sayers, Schmidt, Smith of Grimes, Stephens, Stuart of Falls, Swain, Triplett, Watson, Watts and Wortham—42.

NAYS—Mr. Speaker, Abner, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Cochran, Donald, Eastland, Epperson, Galvan, Gellatly, Harris, Harrison, Henderson of Kendall, Johnson, Lawhon, Lindsey, Linn, Massey, McLeary, Meissner, Miller, Murphy, Price, Reeves, Rogers, Roberts, Scott, Smith of Travis, Stewart of Montgomery, Von Biberstein and Walker—34.

Mr. Cochran offered the following amendments: *Provided*, that the Texas and Pacific Railway Company shall within *three* months after the passage of this act, pay off and discharge in *full all* debts due to or heretofore contracted with *any* citizen of Texas by said Railway Company or by the California and Texas Railway Construction Company, whether the same have been extended or not, by said Construction Company, and should the said Texas and Pacific Railway Company fail to pay such indebtedness within the time prescribed herein, then the provisions of this act shall *not* apply to said Texas and Pacific Railway Company. *Provided further*, that this shall *not* apply to such claims as have been settled with the notes of the California and Texas Railway Construction Company and secured by bonds, unless the owners of such notes shall surrender or offer to surrender such bonds to the Company. Second amendment: Strike out "one" and insert "two."

Mr. Epperson moved to lay both amendments on the table, which was carried.

Mr. German offered the following amendment: Amend by adding to section one, *Provided further*, that this act shall not apply to the Texas and Pacific Railroad Company unless said Company within ninety days after the passage of this act shall release the city of Bonham, in Fannin county, from all obligations to pay a certain twenty-six thousand dollars, (\$26,000), subsidy voted by the citizens of said city.

Mr. Reeves offered the following amendment to the amendment: Insert "Sherman" after the word "Bonham."

Mr. Denman moved to lay both amendments on the table, which was carried.

Mr. Smith, of Grimes, offered the following amendment: Add to section one, That any Company availing itself of the benefits of this act is thereby forbidden to come before future Legislature for relief or extension.

Mr. Denman moved to lay the amendment on the table, which was carried.

Mr. Kemble, by request of Mr. Middleton, absent by leave, offered the following amendment: Add to section one, "*And provided*, that the Texas and Pacific Railway Company shall be required to build, construct, equip and put in good running order their chartered line of railway west of the city of Dallas, to and within the county of Tarrant, and shall establish and erect a depot and station house for freight and passengers, before the first day of November, 1874."

Mr. Hayes offered the following amendment to the amendment: "*Provided*, that the Texas and Pacific Railway Company shall complete, equip and put in good running order by the first day of January, 1875, that part of the road known as the Trans-Continental branch between Texarkana, in Bowie county, and Brookston, in Lamar county." The amendment to the amendment was adopted.

Mr. Hayes then moved to divide the amendment. The House refused.

Mr. Epperson moved to lay the amendment on the table, which was carried by the following vote:

YEAS—Messrs. Abner, Anderson, Ballard, Barziza, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Delany, Donald, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Johnson, Lawhon, Lindsey, Linn, Massey, Mitchell, McLeary, Meissner, Murphy, Price, Reeves, Rogers, Roberts, Schmidt, Scott, Stephens, Stuart of Falls, Triplett, Von Biberstein, Walker and Watts—42.

NAYS—Mr. Speaker, Bean, Brown of Gregg, Bruce, Cain, Denman, DeMorse, Douglass, Eastland, Foote, German, Goodwin, Hart, Hayes, Jackman, Jenkins, Kemble, Manning, McCuiston, Miller, Nicholson, O'Neal, Oxsheer, Patterson, Sayers, Simpson, Smith of Grimes, Swain, Watson and Wortham—30.

Mr. Bean offered the following amendment: "*Provided*, that the Sherman, Wichita and Panhandle Railway Com-

pany (passed May 22, 1873) shall not be entitled to the provisions of this act unless they extend their road by the towns of St. Joe and Montague, in Montague county, and Henrietta, in Clay county, and establish and maintain a passenger and freight depot within one-half mile of the public square of the above named towns.

Mr. Triplett moved the previous question, which was seconded, and the main question ordered.

The amendment was rejected by the following vote:

YEAS—Messrs. Anderson, Bean, Bruce, Cain, DeMorse, Douglass, Foote, German, Hart, Hayes, Jenkins, Kemble, Manning, McCuiston, Nicholson, O'Neal, Patterson, Reeves, Smith of Grimes, Stephens, Watson and Wortham—22.

NAYS—Mr. Speaker, Abner, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Delany, Denman, Donald, Eastland, Epperson, Farrar, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Lawhon, Lea, Lindsey, Linn, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Oxsheer, Patrick, Price, Rogers, Roberts, Sayers, Schmidt, Scott, Simpson, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker and Watts—54.

The bill passed to third reading by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Delany, Denman, Donald, Eastland, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Mitchell, McLeary, Meissner, Murphy, Oxsheer, Patrick, Price, Reeves, Rogers, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Grimes, Stephens, Stewart of Montgomery, Stuart of Falls, Triplett, Walker and Watts—57.

NAYS—Messrs. Bean, Bruce, Cain, DeMorse, Douglass, German, Hart, Hayes, Jenkins, Kemble, McCuiston, Miller, Nicholson, O'Neal, Patterson, Sadler, Swain, Von Biberstein, Watson and Wortham—19.

Mr. Sayers moved to suspend the rules and put the bill on its final passage. Lost.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 380, "An act to regulate management of railroad companies; House bill No. 407, "An act to incorporate the Henderson and Overton Branch Railway Company," and find each correctly engrossed.

DEMORSE, for Committee.

A message from the Senate announced that that body had adopted the report of the Committee of Free Conference upon Senate bill No. 160, "An act to reapportion the State of Texas into Congressional districts."

Mr. Reeves moved to adjourn, which carried.

EVENING SESSION.

House met. Roll called; no quorum being present, on motion of Mr. Cochran, the House adjourned until Monday morning.

EIGHTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 20, 1874. }

House met; prayer by chaplain. Roll called; quorum present.

Absent—Mr. Watson.

The journal of Saturday was read, corrected and adopted.

Leave being granted, Mr. Henderson, of Smith, submitted a special report from the Committee of Free Conference, which was laid on the table to await the regular order.

By leave, Mr. Wortham presented a petition of citizens of the town of Sulphur Springs, in Hopkins county, asking a repeal of the act incorporating said town. Referred to the Committee on Towns and City Corporations.

Leave being granted, Mr. Miller submitted a special report from the Committee of Free Conference upon Senate bill No. 160, to reapportion the State of Texas into Congressional districts, which was laid on the table to await the orders of the day.

On motion of Mr. Jenkins, Mr. Watson was excused for ten days on account of sickness in his family.

Leave being granted, Mr. Meissner submitted a petition of citizens of Washington county, asking the addition of an enclosed paragraph to section thirty-eight of the new school law of May 22, 1873. Referred to the Committee on Education.

The Speaker announced the special order, Senate bill No. 148, to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same.

Mr. Sadler moved to suspend the rules and take up the Senate concurrent resolution providing for the *sine die* adjournment of the present session of the Fourteenth Legislature on May 4, 12 m. The House refused to suspend.

Mr. Simpson moved to postpone the special order to Wednesday, twenty-second instant, 11 A. M. The House refused to postpone.

The special order was then taken up and the following report read:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee upon Internal Improvements, to whom was referred Senate bill No. 148, entitled "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," has had the same under consideration, and instructed me to report the same back and recommend its passage.

B. H. EPPERSON, Chairman.

Mr. McCuiston submitted the following minority report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

A minority of your Committee on Internal Improvements, to whom was referred Senate bill No. 148, "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," beg leave to submit the following minority report:

Believing that the grant of bonds to said International Railroad Company, by the Twelfth Legislature, was without warrant or authority of the Constitution, contrary to the spirit and intention of our form of government, a gross

usurpation of power, and a flagrant violation of the rights of the people; and believing that no Legislature has the right to levy a tax upon the people for any other than well defined, legitimate purposes of government, without their consent; and believing that this bill contains an implied sanction of the validity and binding force of the original act granting said bonds, and likewise covertly confers jurisdiction upon the Supreme Court, by impliedly acknowledging that the State can be sued by said railroad company, we, a minority of your committee, respectfully dissenting from the opinions of the majority, ask that this report be spread upon the journals of the House as our protest against the passage of said bill.

M. H. McCUISTON,

T. H. HAYES,

JAMES B. SIMPSON.

Mr. Cochran submitted the following minority report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The minority of your Committee on Internal Improvements, to whom was referred Senate bill No. 148, "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," would most respectfully dissent from the majority report of your committee for the following reasons: First—We are opposed to the *novel* legislation proposed in this bill, of passing a law to take effect, contingent upon the decision of a court. Second—That while we *doubt* the right and *condemn* the policy of the Twelfth Legislature in voting moneyed subsidies to aid in internal improvements, yet we appreciate the fact that the matter in controversy between the State and the International Railroad Company should be amicably and satisfactorily adjusted in a spirit of liberal compromise. We also oppose this compromise being made indirectly; but believe that if it is made at all, it should be done in a bold, honest and statesmanlike manner, striking the mean between the two extremes—the company on the one hand claiming the rise of six millions of dollars in the bonds of the State, and the people on the other hand holding different shades of opinions as to the right of the company to said bonds. The minority of your committee, believing it to be to the interest of the State and also of the

company that this perplexing question be finally disposed of, and wishing to avoid any appearance of repudiation upon the part of the State, even though it may appear to be an unjust debt, would therefore propose the following amendments to the bill, and recommend their adoption, confidently believing that they will meet the approval of the thinking and liberal minded men of the State, and greatly tend to allay the bad feelings engendered between the people and the company, as it makes a final disposition of the question and will save to the State seven hundred thousand dollars more than the bill recommended by the majority of your committee; besides it requires the company to receive like bonds of the State at par for all interest that may be due on said bonds up to July, 1874, and thereby relieve the people of direct taxation until 1875, at which time many railroads will commence to pay into the State Treasury a handsome revenue, which will continue to increase from year to year, and thereby lighten the burthens of taxes upon the people. We would, therefore, submit this minority report with the accompanying amendments, and respectfully ask that they be spread upon the journals of this House.

JOHN H. COCHRAN.

1. Amend the caption of the bill by adding after the word "same" the words "and to adjust all matters of difference between the State and said company."

2. Amend the third section by striking out in said section all after the word "*provided*," in the thirteenth line, and insert the following in lieu thereof: "that no tax for the payment of any interest accruing and due prior to July A. D. 1874, shall be collected."

3. Amend the fourth section, line twenty-two, by striking out the words "and seventy."

4. Strike out all of section four, after line twenty-two, and insert the following in lieu thereof: "*provided*, that no bonds shall be issued upon the last forty miles of said road until the same is fully completed to San Antonio, in Bexar county; *and provided further*, that all interest which may be due and payable upon said bonds prior to and including the first day of July, 1874, shall be funded in bonds of the same character as those provided for in this act, and said company shall receive said bonds at par in lieu of said interest.

5. Strike out section (5) five.

Mr. Cochran moved to adopt his report in lieu of that of the majority of the committee, which carried by the following vote :

YEAS—Mr. Speaker, Abner, Ballard, Barziza, Beck, Brown of Gregg, Brown of Harrison, Cardis, Chambliss, Cochran, Delany, Denman, Eastland, Epperson, Freeman, Galvan, Harris, Harrison, Henderson of Smith, Henderson of Kendall, Jackman, Kessler, Lawhon, Lindsey, Linn, Massey, Mitchell, McLeary, Meissner, Murphy, Pickett, Price, Reeves, Rogers, Roberts, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stewart of Montgomery, Stuart of Falls, Swain, Von Biberstein and Walker—44.

NAYS—Messrs. Anderson, Bean, Bruce, Cain, DeMorse, Donald, Douglass, Easley, Farrar, Foote, Gellatly, German, Goodwin, Hart, Hayes, Helton, Jenkins, Johnson, Kemble, Lea, Manning, Matthews, McCuiston, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Rosborough, Sadler, Sayers, Simpson, Stephens, Storey, Triplett, Watts and Wortham—38.

Mr. Simpson moved to postpone the bill and report until Wednesday, twenty-second inst., 9:30 A. M.

Mr. Pickett moved to amend by striking out 9:30 and inserting in lieu thereof 11 A. M. The first motion was put and carried.

On motion of Mr. Epperson, the following substitute for the Senate bill offered by Mr. Murphy, which had been read for information only, was ordered spread upon the journal.

A Bill, to be entitled "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same."

Section 1. *Be it enacted by the Legislature of the State of Texas*, That the obligation of the State to aid in the construction of the International Railroad, by virtue of the provisions of "an act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same," passed August 5, A. D. 1870, be and the same is hereby limited to three millions of dollars, or ten thousand dollars per mile for three hundred miles of its road, which shall be constructed in accordance with the requirements of the aforesaid act of incorporation ; and that when the aforesaid amount of bonds are issued and delivered to said railroad company, and the acceptance by said company, of said bonds, the State shall be and is

hereby discharged from all other and further liability arising from and under the above recited act of incorporation of August 5, 1870; and the acceptance, and issuance, and delivery of the aforesaid amount of bonds shall be a full, final, and complete settlement of all claims and demands by said company for bonds of the State, to aid in the construction of its road.

Sec. 2. That the said bonds shall be signed, registered and delivered to said company in accordance with the terms, conditions, provisions and restrictions set forth in the act incorporating said company, and they shall conform in all respects to the bonds prescribed in said act, and shall bear interest from the date of the inspectors approval of each section of said railroad respectively.

Sec. 3. That to meet the payments of interest on said bonds, and provide a sinking fund for the payment of the principal when the same shall become due, there is hereby levied on all the property in the State which is or may hereafter be subject to taxation by the State, a sum sufficient to pay said interest, and provide a sinking fund, as required in the Constitution for the payment of said bonds, which sum the Comptroller of the State shall cause to be assessed and collected annually, in the same manner and under the laws providing for the collection of State taxes for general purposes.

Sec. 4. That on the acceptance of the provisions of this act by the stockholders of the International Railroad Company, which shall be done in forty days after the passage of this act, by a vote of the majority of the shares of stock of said company, and a certificate of said acceptance, signed by the chairman of said stockholders' meeting, and certified by the secretary of said company, attested by the seal thereof, being filed in the office of the Secretary of State, it shall be the duty of the Governor to deliver to the president of said railroad company the bonds of the State, as provided in said above recited act, on such part of said road as shall then be constructed in accordance with the provisions of said act; and thereafter to deliver the bonds as aforesaid to said company, as such road may be constructed in accordance with its charter, until the full amount herein provided for shall have been issued to said company.

Sec. 5. That all laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 6. That this act shall be in force and take effect from and after its passage.

Mr. Goodwin offered the following substitute for the original Senate bill, which was ordered spread upon the journal.

Substitute for Senate bill No. 148:

"An act to grant twenty sections of land per mile to the International Railroad Company, in settlement of all claims they may have against the State of Texas."

WHEREAS, Litigation has arisen on the claims of the International Railroad Company for bonds of the State to aid in the construction of their railroad, under the act of August 5, 1870, and

Whereas, It is of the uttermost importance that the liabilities of the State should be determined and definitely fixed, and all uncertainty as to the rights of said company should be removed; and

Whereas, The said railroad company, by its authorized agent, has signified its desire to have a fair and equitable adjustment, in a spirit of just and reasonable compromise, of all questions between the said company and the State, Therefore,

Section 1. *Be it enacted by the Legislature of the State of Texas*, That the obligation of the State of Texas to aid in the construction of the International Railroad by the donation of bonds to said company in accordance with the provisions of an act entitled "An act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas, in constructing the same," passed August 5, 1870, be and the same is hereby settled and compromised with said company so far as the issuance of the bonds in said act are concerned. And that said company shall have and receive from the State of Texas twenty sections of land, of six hundred and forty acres each, per mile for every mile of railroad actually constructed by them in the State, under the provisions of their charter.

Sec. 2. That upon the acceptance of the provisions of this act by the stockholders of the International Company, which shall be done within sixty days after the passage of this act, by a vote of the majority of the shares of stock of said company, and a certificate of said acceptance, signed by the chairman of said stockholders' meeting, and certified to by the secretary of said company, attested by the seal thereof, being filed in the office of the Secretary of State,

it shall be the duty of the Commissioner of the General Land Office to deliver to the president of said railroad company the land certificates as provided for in first section of this act, on such part of the railroad as may then be constructed in accordance with the provisions of their charter, and thereafter to deliver said company all certificates for land that may become due as said road may be constructed in accordance with the provisions of their charter.

Sec. 3. That all laws and parts of laws inconsistent with this act be and the same are hereby repealed.

Sec. 4. That this act take effect and be in force from and after its passage.

The Senate concurrent resolution providing for the *sine die* adjournment of the present session of the Fourteenth Legislature on May 4, 1874, 12 M., was taken up pending a motion to strike out May 4, and insert April 28.

Mr. Epperson moved to amend the resolution by striking out twenty-eighth of April and inserting in lieu thereof "fifteenth of May."

Mr. McLeary moved to postpone the resolution and amendments to Monday, May 27, 1874, 9 A. M.

Mr. Hayes moved a call of the House which was seconded and ordered. Absent—Messrs. Bean, Brown of San Saba, Chambliss and Miller.

The Sergeant-at-arms was dispatched for the absentees.

Mr. Lawhon moved to suspend the call. Lost.

Messrs. Chambliss and Miller having come in, Mr. Henderson of Smith moved to suspend the call. The House refused.

Mr. Sayers moved to suspend the call, which was carried.

Mr. Sadler moved the previous question, which was seconded and the main question ordered.

The House refused to postpone by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Delany, Epperson, Freeman, Galvan, Gellatly, Harris, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lea, Mitchell, McLeary, Meissner, Murphy, Roberts, Scott, Stewart of Montgomery, Triplett and Wortham—30.

NAYS—Messrs. Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Farrar, Foote, German, Goodwin, Harrison, Hart, Hayes, Jenkins, Kemble, Lawhon, Lindsey, Linn,

Manning, Massey, Matthews, McCuiston, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Sadler, Sayers, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Stephens, Story, Stuart of Falls, Swain, Von Biberstein, Walker and Watts—51.

The amendment to strike out "May 4," and insert in lieu thereof "twenty-eighth of April," was put and lost. The amendment to strike out "May 4" and insert in lieu thereof "May 15," was put and lost.

Mr. O'Neal asked leave to withdraw his amendment substituting "twenty-eighth of April" for "May 4," which was granted.

The resolution was then adopted by the following vote :
YEAS—Messrs. Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Farrar, Foote, Freeman, Gellatly, German, Goodwin, Harrison, Hart, Hayes, Jackman, Jenkins, Johnson, Kemble, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, Meissner, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Walker, Watts and Wortham—59.

NAYS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Epperson, Galvan, Harris, Helton, Henderson of Smith, Henderson of Kendall, Kessler, Lea, McLeary, Schmidt, Stewart of Montgomery, Swain, Triplett and Von Biberstein—22.

Leave being granted, Mr. McLeary offered the following resolution : *Resolved*, that this House hold three sessions per day, beginning at 9 A. M., 3 P. M. and 8 P. M., except Sundays and holidays. The resolution was ordered to lie on the table under the rules.

On motion of Mr. Swain, the rules were suspended, the resolution was taken up and adopted.

Mr. Simpson moved to reconsider the vote adopting the Senate concurrent resolution relative to *sine die* adjournment.

Mr. Sadler moved to lay the motion on the table.

The chief clerk stated that he had returned the resolution to the Senate and informed that body of the action of the House thereon. The Speaker instructed him to go to the

Senate and ask the return of the resolution, on account of a motion to reconsider its adoption having been made.

Mr. McLeary moved a call of the House which was sustained and the call ordered. Absent—Messrs. Brown of San Saba, Gellatly, Helton, Lawhon and Lindsey.

Messrs. Helton and Gellatly were announced.

A message from the Senate announced that that body refused to return their concurrent resolution providing for the *sine die* adjournment of the present session of the Fourteenth Legislature on Monday, May 4, 1874, 12 M., by a vote of sixteen to nine.

Mr. Sayers moved to suspend the call. The House refused.

Mr. German moved to suspend the call, which was carried.

The motion to lay on the table was put and carried by the following vote:

YEAS—Messrs. Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Denman, DeMorse, Donald, Easley, Eastland, Farrar, Foote, German, Goodwin, Harrison, Hart, Hayes, Jenkins, Kemble, Linn, Manning, Matthews, McCuiston, Mitchell, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Sadler, Sayers, Smith of Travis, Smith of Grimes, Story, Walker, Watts and Wortham—43.

NAYS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Bean, Beck, Brown of Harrison, Cardis, Delany, Douglass, Epperson, Freeman, Galvan, Gellatly, Harris, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lea, Massey, McLeary, Meissner, Rosborough, Roberts, Schmidt, Scott, Simpson, Stephens, Stewart of Montgomery, Stuart of Falls, Swain, Triplett and Von Biberstein—37.

Senate bill No. 136, to extend the time for the construction of works of internal improvements, was taken up and read third time.

Mr. Harris moved to strike out the amendment offered by Mr. Sadler, which had been adopted by the House and made a part of the bill. The House refused to strike out the amendments.

Mr. German offered the following amendment: "*provided further*, that this act shall not apply to the Texas and Pacific Railroad Company, unless said company, within sixty days after the passage of this act, shall release the

city of Jefferson, in Marion county, and the county of Marion; the county of Harrison; and the city of Bonham, in Fannin county; the city of Sherman, in Grayson county; the city of Dallas, in Dallas county; and the county of Tarrant, from all obligations to pay any and all money subsidies heretofore granted to said railroad company by said cities and counties; *provided further*, that no extension of time on the uncompleted road between the town of Brookston, in Lamar county, and Texarkana, in Bowie county, be granted to said Pacific Railroad Company."

Mr. Wortham moved to lay the amendment on the table.

Mr. Chambliss moved to adjourn.

Lost.

The motion to lay on the table carried by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Chambliss, Delany, Donald, Easley, Eastland, Freeman, Galvan, Gellatly, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lindsey, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Oxsheer, Price, Rogers, Roberts, Schmidt, Scott, Simpson, Smith of Travis, Stewart of Montgomery, Stuart of Falls, Walker and Watts—43.

NAYS—Messrs. Bean, Bruce, Cain, Cochran, Denman, DeMorse, Douglass, Epperson, Foote, German, Goodwin, Harris, Hart, Hayes, Jenkins, Kemble, Matthews, McCuiston, Nicholson, O'Neal, Patrick, Patterson, Pickett, Reeves, Sadler, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein and Wortham—32.

Mr. Epperson moved the previous question, which was seconded, and the main question ordered. The bill then passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Chambliss, Cochran, Denman, Donald, Easley, Eastland, Epperson, Foote, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Mitchell, McLeary, Meissner, Patrick, Price, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Stuart of Falls, Triplett, Walker and Watts—53.

NAYS—Messrs. Bean, Bruce, Cain, DeMorse, Douglass, German, Hart, Hayes, Jenkins, Kemble, McCuiston, Miller, Nicholson, O'Neal, Oxsheer, Patterson, Pickett, Sadler, Storey, Swain, Von Biberstein and Wortham—22.

A message from the Senate announced the passage by that body of Senate bill No. 308, supplemental to "An act to provide for the registration of voters, and to repeal 'an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities, and towns to aid in the construction of railroads and other works of internal improvement,'" approved April 29, 1873.

Senate bill No. 405, prescribing the times of holding the district courts in the Twenty-ninth Judicial District, and repealing all other acts in conflict with this act.

Senate bill No. 350, to amend the twenty-eighth section of act entitled "An act prescribing the times of holding the district courts in the several judicial districts," approved August 10, 1870.

House bill No. 70, "An act to repeal 'an act to authorize counties, cities and towns in the construction of railroads.'"

House bill No. 406, "An act to add the county of Waller to the Twenty-ninth Judicial District, and prescribing the times of holding the district courts in said district," with amendments by the Senate.

House bill No. 341, "An act to provide for the amendment of town and city charters," with amendments by the Senate.

House joint resolution No. 34, joint resolution authorizing the Board on Public Printing to receive certain printing as therein specified.

House bill No. 174, "An act to provide for the sale of the alternate sections of land as surveyed by railroad companies and set apart for the benefit of the common school fund," with amendments by the Senate.

House bill No. 284, "An act to regulate the order of business in the district court of Karnes county."

House bill No. 386, "An act to amend 'an act to fix the time of holding the district courts of the Twenty-first Judicial District.'"

Also, that the Senate refused to recede from its amendments to House bill No. 385, to limit the power of taxation in cities and towns, and had appointed Senators Wood,

Ball and Shepard a Committee of Free Conference upon the disagreement between the two houses, and asked a like committee on the part of the House.

On motion of Mr. Foote, the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Harrison, Kemble, Massey, Pickett and Sayers.

On motion of Mr. Kessler, Mr. Sayers was excused for the rest of the day on account of sickness.

On motion of Mr. Johnson, Mr. Massey was excused for the remainder of the day on account of important business.

On motion of Mr. Lindsey, Mr. Kemble was excused for the remainder of the day on account of important business.

On motion of Mr. Wortham, Senate bill No. 240, to incorporate the Texas and Midland Railway, and to aid in the construction of the same, was taken up and read second time.

Mr. Stephens offered the following amendment: "Insert after the word 'Midland' in the caption and body of the bill the words 'Gulf and New Orleans,' and after the word 'Shackleford' insert the words 'or Jones.'"

The amendment was adopted.

Mr. Bean moved to amend by striking out section nine.

Mr. Stephens moved to lay that motion on the table, which was carried.

The bill then passed to third reading.

On motion of Mr. Stephens, the rules were suspended, the bill was read third time by caption, and passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cain, Cardis, Chambliss, Delany, Denman, DeMorse, Easley, Epperson, Farrar, Freeman, Galvan, Gellatly, Goodwin, Harris, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, McCuiston, McLeary, Meissner, Miller, Murphy, O'Neal, Oxsheer, Patrick, Price, Reeves, Rogers, Roberts, Schmidt, Simpson, Smith of Travis, Stephens, Storey, Swain, Triplett, Von Biberstein, Walker, Watts and Wortham—57.

NAYS—Messrs. Bean, Bruce, Cochran, Donald, Douglass, Foote, German, Hart, Hayes, Mitchell, Nicholson, Patterson and Sadler—13.

Mr. Epperson moved to reconsider the vote adopting the report of Mr. Cochran upon Senate bill No. 148, to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same, in lieu of the report by the majority of the Committee of Internal Improvements, and asked that his motion be spread upon the journal.

House bill No. 41, to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns, was taken up, pending the following amendment by the Senate:

“Strike out the words ‘ten thousand,’ and insert the words ‘fifteen thousand’ in the last line of section one.”

The House refused to concur in the amendment by the following vote:

YEAS—Messrs. Anderson, Brown of San Saba, Cain, Cochran, Easley, Epperson, Farrar, Gellatly, Goodwin, Harris, Kessler, Lea, Linn, Manning, Schmidt, Simpson, Smith of Travis, Smith of Grimes, Storey, Stuart of Falls and Triplett—21.

NAYS—Mr. Speaker, Abner, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Cardis, Chambliss, Delany, Denman, DeMorse, Donald, Douglass, Eastland, Foote, Freeman, Galvan, German, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Lawhon, Lindsey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, O’Neal, Oxsheer, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Stephens, Von Biberstein, Walker and Wortham—52.

On motion of Mr. Triplett, Senate bill No. 86, to incorporate the Southwestern and Rio Grande Railway Company, and to aid in the construction of the same, was taken up and read, being on its final passage.

Mr. Denman offered the following amendment:

“*Provided*; that said company shall build their road by the town of Crockett, in the county of Houston, and build and maintain a depot within one-half mile of the courthouse of said town.

The House refused to adopt the amendment.

The bill then passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Denman, Easley, Eastland, Epperson, Farrar, Foote, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Mitchell, Miller, Murphy, O'Neal, Oxsheer, Patrick, Price, Reeves, Rosborough, Roberts, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Von Biberstein, Walker and Watts—53.

NAYS—Messrs. Bean, Bruce, Cain, Cochran, Donald, Douglass, Freeman, German, Hayes, Jenkins, McCuiston, Nicholson, Patterson, Sadler, Triplett and Wortham—16.

Mr. Rosborough moved to suspend the rules, to allow Judiciary Committee No. 2 to submit a report upon the address for the removal of the Hon. J. B. Osterhout, Judge of the Thirty-fourth Judicial District.

The House refused to suspend the rules.

House bill No. 341, to provide for the amendment of town and city charters, was taken up, pending the following amendment by the Senate:

"Amend section one by adding thereto: '*Provided*, that in no instance where the incorporated limits of any city or town shall be extended as herein provided, shall it be lawful to tax the person or property embraced in said extension, to pay the then existing corporation debt, unless the same is agreed to by a two-thirds vote of the tax payers embraced in said extension.'"

The House concurred in the amendment.

House bill No. 331, to repeal articles thirty and thirty-one of "an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870, was taken up, pending the following amendments by the Senate:

"Strike out 'article' wherever it occurs in the bill, and insert in lieu thereof 'section.'"

The House concurred in the amendment.

House bill No. 406, to add the county of Waller to the Twenty-ninth Judicial District, and prescribing the times of holding the district courts in said district, was taken up, pending the following amendments by the Senate:

"Amend the caption by striking out the words 'and prescribing the times of holding the district courts in said

district ;' Second, amend the bill by striking out section two and all of section three down to the enacting clause, and section three to be made section two."

The amendments were concurred in *seriatim*.

House bill No. 174, to provide for the sale of the alternate sections of land as surveyed by railroad companies, and set apart for the benefit of the common school fund, was taken up, pending the following amendments by the Senate:

"Amend section three by striking out all down to and inclusive of the word 'otherwise,' in line eleven, and inserting 'that the Governor shall appoint three commissioners for each one or more counties, in which any of such lands are situated, to value each quarter section or fractional section when called on to do so. Said commissioners shall be qualified electors and freeholders of the State and in nowise interested in said lands by settlement upon the same or otherwise ;' 'also, amend section three, at the end thereof, by striking out the words 'by the applicant,' and inserting 'out of the first moneys obtained from the proceeds of said lands.' 'Amend section six, lines eleven and twelve, by striking out the words 'one dollar' and inserting in lieu thereof 'one dollar and fifty cents.' Amend section sixteen by adding to the end of the section the words 'the principal to be invested in United States bonds, and the interest arising therefrom to be applied to the use of common schools.' Add an additional section: Section 18. The Commissioner of the General Land Office shall prescribe such minute articles necessary to carry out the object of this act, and give instructions accordingly to surveyors and appraisers in such counties wherein the kinds of lands are located, or such class as the Governor may direct.' 'Make section eighteen read section nineteen.' 'Amend section five, line sixteen, by striking out 'six' and inserting 'twelve' before the word 'months.'"

The House concurred in the amendments *seriatim*.

The following report from a Committee of Free Conference was taken up.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee of Free Conference on Senate substitute for House bill No. 6, to be entitled "An act to ascertain the amount due teachers of the public free schools of this State for services rendered as teachers prior to the first day

of July, 1873, and to provide for the payment of the same," after carefully considering the matters of disagreement between the House and Senate, have agreed upon, herewith submit, and recommend the adoption of the following substitute for House amendments to section two, as follows: "And, that the sum of four hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the State Treasury belonging to the available school fund, not otherwise and heretofore appropriated; to pay amounts due teachers of public schools of this State for services rendered prior to July 1, 1873; claims to be verified and disbursements made as hereinafter provided: *Provided*, that warrants issued by virtue of this appropriation shall be registered by the Comptroller at the time of issuance, and shall draw interest at the rate of eight per cent. per annum until paid, or may be converted into school bonds at the option of the holder. We further recommend that the Senate concur in the other House amendments."

WOOD, Chairman Senate Committee.

HENDERSON, of Smith,

Chairman House Committee.

The report was adopted by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Bean, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Denman, Donald, Douglass, Eastland, Epperson, Galvan, Gellatly, German, Goodwin, Harris, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, McLeary, Miller, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Price, Rosborough, Roberts, Schmidt, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Triplett and Watts—51.

NAYS—Messrs. Bruce, Cain, Easley, Farrar, Foote, Freeman, Harrison, Hayes, Kessler, Lawhon, Lea, Mitchell, Meissner, Reeves, Rogers, Von Biberstein, Walker and Wortham—18.

The following report having been made special order for this day, was taken up:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 2, to whom was referred the address for removal of Hon. J. P. Osterhout, Judge of

the Thirty-fourth Judicial District," has had the same under consideration, and instructed me to report the same back and to recommend that it be referred to a Joint Committee in accordance with the rules adopted in reference to such matters. B. H. EPPERSON, Chairman.

The report was adopted.

The Speaker appointed the following Committee under the report: Messrs. O'Neal, Barziza, Sayers, Lawhon and Manning.

On motion of Mr. Douglass, Mr. Barziza was added to the Committee on Education.

Mr. Triplett moved to reconsider the vote adopting the resolution providing for three daily sessions during the remainder of the session, and asked that it be spread upon the journal, which was ordered.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 32, entitled "An act authorizing clerks of the District Courts and Justices of the Peace to issue writs of garnishment in certain cases;" also House bill No. 233, entitled "An act to enable clerks of the District Courts in certain counties to qualify as Justices of the Peace," and this day at 11 o'clock A. M., presented the same to the Governor for his approval. E. D. LINN, Chairman.

Leave being granted, Mr. Wortham submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

WHEREAS, There appears to have been an organized system of frauds against the State of Texas, and all the people of the State, in the late management of the Lunatic Asylum, and

Whereas, Hon. S. L. Chambliss, chairman of the Committee on Asylums, has caused the arrest of certain persons as being parties to said frauds, we, the Committee, acting in concert with our said chairman, beg leave to state, that the facts elicited by the committee in the investigation of the management of said asylum, fully justify said arrests. And we beg leave to state further, that our

said chairman has pursued this subject with that energy that should characterize an honest representative of the people in bringing to punishment those who may have perpetrated wrongs against the State as indicated.

WM. A. WORTHAM, J. D. STEPHENS, F. E. SMITH, G. A. FOOTE, IRA B. SADLER,	}	Committee.
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The report was received.

A message from the Senate announced the passage by that body of the following bills, to-wit: Senate bill No. 402, to validate the election for a corporation and corporate officers of Carthage, April 17, 1874. Senate bill No. 409, to amend "An act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," passed at the present session of the Legislature. Senate bill No. 408, to amend section thirty-nine of "An act entitled 'an act to encourage stock raising, and for the protection of stock raisers,'" approved March 23, 1874. Senate bill No. 321, to provide a mode for the sale of the shares in any joint stock or incorporated company on execution.

On motion of Mr. Lea, the House adjourned.

NIGHT SESSION.

House met. Roll called. There being no quorum present, Mr. McLeary moved a call of the House, which was sustained and ordered.

Absent—Messrs. Ballard, Brown of San Saba, Delany, Denman, DeMorse, Douglass, Galvan, Gellatly, Johnson, Linn, Matthews, Miller, Pickett, Sadler, Scott, Simpson, Smith of Travis, Stephens, Stuart of Falls, and Triplett.

The Sergeant-at-arms was dispatched for absentees.

On motion of Mr. Foote, the call was suspended.

On motion of Mr. German, Mr. Delany was excused on account of sickness.

On motion of Mr. Reeves, Mr. Pickett was excused on account of sickness.

On motion of Mr. Patterson, Mr. Ballard was excused on account of sickness.

On motion of Mr. Brown, of Gregg, Mr. Matthews was excused on account of sickness.

On motion of Mr. Easley, Mr. Smith, of Travis, was excused on account of sickness.

On motion of Mr. Anderson, Mr. Johnson was excused on account of sickness.

Senate bill No. 39, to amend section thirty-six of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, was taken up, pending a motion to reconsider the vote indefinitely postponing the bill.

Mr. Meissner moved to lay the motion to reconsider on the table, which carried.

House bill No. 402, to amend sections nine, ten, eleven, fifteen, seventeen, twenty, twenty-two and thirty-eight of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, was taken up.

On motion of Mr. Meissner, it was laid on the table to await the regular order.

House bill No. 513, to provide for the building and completing of two State penitentiaries, with a view to the utilization of the convict labor of the State in mining and manufacturing enterprises, was taken up.

On motion of Mr. Jenkins, it was laid on the table and passed to the orders of the day.

House bill No. 108, to regulate fees of office, was taken up. Pending its reading, Mr. Kessler moved to indefinitely postpone the bill. The House refused to postpone.

On motion of Mr. Watts, the bill was taken up by sections.

Mr. Reeves moved to amend section two by striking out "one hundred" and inserting in lieu thereof "two hundred."

Mr. Meissner moved to amend the amendment by striking out the last two lines of section two. Lost. The amendment was then adopted.

Section two was adopted.

Mr. McLeary moved to fill the blank in section three with the words "such number of guards as may be allowed by the district court."

The motion carried.

Mr. Anderson moved to amend section three, line twenty-nine, by striking out "two" and inserting in lieu thereof "three." Lost.

Mr. O'Neal moved to amend section three, lines sixty-nine and seventy, by striking out "two" and inserting in lieu thereof "three." Lost.

Mr. Reeves moved to amend same section and lines by striking out "two hundred" and inserting in lieu thereof "three hundred and seventy-five." Lost.

Mr. Murphy moved to strike out "two hundred" and insert in lieu thereof "three hundred."

Mr. Reeves moved to amend by striking out "three hundred" and inserting three hundred and fifty." Division of the question having been called for, the motion to strike out was put and lost.

Mr. Murphy moved to amend section three, line three, by inserting after "dollar" "fifty cents." Lost.

Mr. Reeves moved to amend by striking out "twenty-five" and inserting in lieu thereof "fifty." Lost.

Mr. Reeves moved to amend line fifty-five by striking out "ten" and inserting in lieu thereof "five." Lost.

Section three was then adopted.

Mr. McLeary moved to amend section four by striking out all after the word "court," in line twenty-two. The amendment was adopted.

Mr. McLeary moved to amend by striking out the caption of section four and consolidating the section with section five, which carried.

Mr. McLeary moved to amend section five by striking out of line nine the word "he" and inserting in lieu thereof "such physician or surgeon." Carried.

Mr. McLeary moved to amend same section and line by striking out "coroner" and inserting in lieu thereof "justice of the peace." Carried.

Mr. Reeves moved to amend section five, line thirty-five, by striking out "twenty-five" and inserting in lieu thereof "fifty;" also, same amendment in line thirty-six. The amendments were adopted.

Sections four and five as consolidated were then adopted.

Section six was adopted.

Mr. McLeary moved to strike out section seven and insert in lieu thereof: "Sec. 7. That sections five, six, seven, eight, nine, ten and eleven of an act entitled 'An act to regulate fees of office,' approved March 20, 1848, and also an act entitled 'An act to amend sections five, six, seven, eight, nine, ten and eleven of an act to regulate fees of office,' approved March 20, 1848, approved Novem-

ber 13, 1866, be and the same are repealed; and that this act take effect from and after its passage." The House refused to make the amendment.

Mr. Reeves moved to amend section six, line nine, by striking out all after the word "for." The amendment was adopted.

Mr. McLeary moved to change the numbers of the last sections to correspond with the amendments made, which carried.

Mr. Lea offered the following amendment: "Amend by adding to fifth section, *provided*, that nothing in this act shall be so construed as to apply to the county of San Jacinto, but that the fees of office in said county shall be controlled by the laws now in force." The amendment failed to carry.

Mr. Meissner moved to amend section five by striking out "not to exceed thirty dollars a year." The amendment was adopted. The bill was ordered engrossed.

Mr. Lea moved to suspend the rules and put the bill on its final passage, which carried.

On motion of Mr. Epperson, the bill was read third time by caption only. No quorum voting, Mr. Roberts moved to adjourn. Lost.

Mr. Bean moved a call of the House, which was sustained and ordered.

Absent—Messrs. Abner, Barziza, Brown of Gregg, Denman, DeMorse, Farrar, Galvan, Gellatly, Lindsey, Linn, Miller, Sadler, Schmidt, Scott, Simpson, Stephens and Stuart, of Falls.

Mr. Swain moved a suspension of the call. The House refused. The Sergeant-at-arms was directed to bring in absentees.

Mr. Triplett moved to suspend the call. The House refused.

Mr. Smith, of Grimes, moved to adjourn.

Mr. Swain moved to amend the motion by adding, to Wednesday, 9 A. M. The amendment was lost.

Mr. Storey moved to amend by fixing the time at 9 A. M. to-morrow. Lost.

The motion to adjourn was then put and lost.

Mr. Manning moved to adjourn to 8 A. M. to-morrow. Lost.

On motion of Mr. Smith, of Grimes, Mr. Chambliss was excused on account of sickness.

Br. Brown, of Harrison, moved to adjourn to 3 P. M.
Lost.

Mr. German moved to adjourn. Lost.

Mr. Freeman moved to adjourn to Wednesday, 9 A. M.
Lost.

Mr. Murphy moved to adjourn, which carried.

EIGHTY SECOND DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 21, 1874. }

House met: Roll called: quorum present.

Absent—Messrs. Barziza, Pickett, Schmidt, Scott, Smith of Travis, Smith of Grimes and Stewart of Montgomery.

On motion of Mr. Easley, Mr. Smith of Travis was excused on account of sickness.

On motion of Mr. Reeves, Mr. Pickett was excused on account of sickness.

Mr. Kessler, in consideration of this day having been made a legal holiday by the present Legislature, moved to adjourn to 9 A. M. to-morrow, which carried.

EIGHTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 22, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Mr. Cochran asked an indefinite leave of absence for Mr. Edwards on account of sickness in his family, which was granted.

A message from the Senate announced the passage, by that body, of House bill No. 113, making an appropriation to defray the traveling and other contingent expenses of the Adjutant General in collecting the State arms; and Senate joint resolution No. 391, to annex the parishes of Caddo and De Soto, State of Louisiana, to the State of Texas.

The journal of yesterday was read and adopted.

The journal of yesterday was read, corrected and adopted.

Report from Committee on Enrolled Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House bill No. 221, entitled "An act to amend the fourth section of an act entitled 'An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof,'" approved November 12, 1874, and also House bill No. 406, "An act to add the county of Waller to the Twenty-ninth Judicial District," and presented the same to the Governor for his approval this the twenty-second day of April, 1874, at 10 o'clock A. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House bill No. 252, entitled "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners, the survivors of the company of Capt. Dawson, who was massacred near San Antonio in the year 1842, the survivors of those who were captured at the city of San Antonio in the fall of the year 1842, and taken to the castle of Perote and confined therein, and the survivors of Deaf Smith's Spy company, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of thirteenth of August, 1870, previous to the first of July, 1874," and presented the same to the Governor for his approval the twenty-first day of April, 1874, at 5 o'clock P. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House bill No. 70, entitled "An act to repeal an act to authorize counties, cities and towns to aid in the construction of railroads;" also House bill No. 284, entitled "An act to regulate the order of business in the District Courts of Karnes county;" also House bill No. 331, entitled "An act to repeal sections thirty and thirty-one of 'an act to organize the courts of Justices of the Peace and county

courts, and to define their jurisdiction and duties," approved August 13, 1870; also House joint resolution No. 34, entitled "Joint resolution authorizing the Board on Public Printing to receive certain printing as therein specified;" also House bill No. 388, entitled "An act concerning public corporations," and presented the same to the Governor for his approval this the twenty-second day of April, 1874, at 10 o'clock. E. D. LINN, Chairman.

The Speaker appointed the following Committee of Free Conference upon House bill No. 385, to limit the power of taxation in cities and towns: Messrs. Reeves, Simpson, Barziza, Harrison and Cochran.

Leave being granted, Mr. Stuart, of Falls, introduced a bill to amend "An act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," passed at the present session of the Legislature, which was read first time.

On motion of Mr. Stuart, of Falls, the rules were suspended, the bill was read second time and ordered engrossed.

On motion of Mr. Stuart, of Falls, the rules were further suspended, the bill was read third time and passed.

On motion of Mr. Reeves, the rules were suspended and House bill No. 405, was taken up pending the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Internal Improvement to whom was referred House bill No. 405, entitled "An act to encourage the citizens of El Paso county to irrigate the valley of the Rio Grande, and to grant land to aid the same," has had the same under consideration and instructed me to report the same back and recommend its passage, with the following amendments. B. H. EPPERSON, Chairman.

1. Change the caption of the bill so as to make it read as follows: "An act to encourage irrigation in El Paso county, by granting land in aid thereof."

2. Amend the third section by striking out all of the said section after the word "made" in the sixth line, and insert in lieu thereof the following: "to the Governor of the State, to have the same examined, whose duty it shall be to require the State Engineer, if there be any, and if not,

then to appoint some competent person, to examine the same, and to make a report thereupon, and if the Governor shall be satisfied from said report that the work has been done in compliance with this act, he shall certify this fact to the Commissioner of the General Land Office, who, if as much or more than five miles in length of ditch has been made and put in use, shall issue to the said town or association of persons, eight sections of land of six hundred and forty acres each, for each mile so constructed and so on for each mile thereafter constructed. The said certificates shall be located in alternate sections and under the same conditions and limitations as those issued to railroad companies are required to be, by the general laws of the State, provided, that if the public domain should be exhausted or otherwise disposed of before these certificates are located, they shall not constitute no claim whatever against the State."

The bill having been read second time, the report was adopted, adopting the amendments, and the bill was ordered engrossed.

On motion of Mr. Murphy the rules were suspended, the bill was read third time by caption and passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Cochran, Delany, DeMorse, Easley, Eastland, Epperson, Freeman, Galvan, Gellatly, Goodwin, Harris, Hart, Hayes, Helton, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lindsey, Linn, Massey, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, O'Neal, Pickett, Price, Rogers, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Triplett, Von Biberstein, Walker and Watts—60.

NAYS—Messrs. Denman, Foote, Harrison, Lea, Manning, Matthews, Oxsheer, Patrick, Reeves, Rosborough, Stephens and Stuart of Falls—10.

The special order was then announced: Senate bill No. 148, to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same, pending the minority report of Mr. Cochran, a motion to reconsider the vote adopting said report in lieu of the report of the majority of the Committee on Internal Improvements.

The motion to reconsider was put and carried.

A substitute for the bill by Mr. Murphy, and a substitute for the substitute by Mr. Goodwin.

The motion to reconsider was put and carried, and the report of the majority of the Committee adopted.

Mr. Hayes moved to go into Committee of the Whole upon the bill. Lost.

By permission, Mr. Murphy withdrew his substitute.

Mr. Goodwin then offered his substitute as a substitute for the Senate bill.

Pending the discussion, a message from the Senate announced the passage by that body of Senate bill No. 416, to authorize the Judge of the Twenty-fifth Judicial District to hold a special term of the court in the county of El Paso.

Resuming the discussion, Mr. Brown, of San Saba, moved to lay the substitute on the table.

Mr. Hayes moved a call of the House. The call was not sustained.

The substitute was laid on the table by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Denman, Douglass, Easley, Epperson, Freeman, Galvan, Gellatly, Harris, Hart, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lindsey, Massey, McLeary, Meissner, Miller, Murphy, Patrick, Pickett, Price, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Von Biberstein, Walker and Wortham—49.

NAYS—Messrs. Bean, Beck, Bruce, Cain, Cochran, Donald, Eastland, Foote, German, Goodwin, Harrison, Hayes, Helton, Jenkins, Kemble, Manning, McCuiston, Nicholson, O'Neal, Oxsheer, Patterson, Reeves, Rogers, Rosborough, Sadler and Watts—26.

Mr. Stuart, of Falls, offered the following substitute for section five of the Senate bill:

Section 5. That said bonds shall not be delivered to said company, unless the Supreme Court of the State shall feel authorized to decide upon the constitutionality and legality of the act of the Twelfth Legislature, making the donation of a money subsidy to said company in the suit instituted

by said company against the Comptroller of Public Accounts of the State, which suit was tried by the district court for Travis county, at the June Term A. D., 1873, and shall decide the said act alluded to legal and constitutional.

Mr. Murphy moved to lay the substitute on the table, which was carried.

Mr. Goodwin offered the following amendment: "Section five, line nine, insert between the words 'is' and 'entitled' the word 'constitutionally.'"

Mr. Sayers moved to lay the amendment on the table, which was carried by the following vote:

YEAS—Mr. Speaker, Abner, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Easley, Epperson, Freeman, Galvan, Gellatly, Harris, Henderson of Smith, Henderson of Kendall, Johnson, Lawhon, Lea, Lindsey, Mitchell, McLeary, Meissner, Miller, Murphy, Pickett, Price, Rosborough, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stewart of Montgomery, Swain, Triplett, Walker and Wortham—42.

NAYS—Messrs. Anderson, Bean, Bruce, Cain, Cochran, Denman, DeMorse, Donald, Douglass, Eastland, Foote, German, Goodwin, Harrison, Hart, Hayes, Helton, Jackman, Jenkins, Kemble, Kessler, Manning, Massey, Matthews, McCuiston, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Rogers, Sadler, Stephens, Storey, Stuart of Falls and Watts—36.

On motion of Mr. Lea, the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

Senate bill No. 148, to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same, was resumed.

Mr. Hayes offered the following amendment: "Amend section four by striking out all after the word 'done,' in line four, and including the word 'act,' in line five, and inserting 'before the decision of the Supreme Court.'"

Mr. Epperson moved to lay the amendment on the table, which carried.

Mr. Goodwin offered the following amendment: "Add after the word 'bonds,' in line ten, of section five, '*provided*, that if upon investigation, authorized by this Legislature, it shall be determined that said subsidy in bonds

was passed by fraud or bribery, that this act shall be null and void.' "

Mr. Lea moved to lay that amendment on the table, which carried by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Donald, Easley, Epperson, Freeman, Galvan, Gellatly, Harris, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Pickett, Price, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stewart of Montgomery, Swain, Von Biberstein, Walker and Wortham—47.

NAYS—Messrs. Bruce, Cain, Cochran, Denman, DeMorse, Douglass, Eastland, Foote, German, Goodwin, Harrison, Hart, Hayes, Helton, Jenkins, Kemble, Manning, Matthews, McCuiston, Nicholson, O'Neal, Oxsheer, Patrick, Patterson, Reeves, Rogers, Rosborough, Sadler, Simpson, Stephens, Storey, Stuart of Falls, Triplett and Watts—33.

Mr. Brown, of San Saba, moved the previous question, which was seconded. The House refused to order the main question.

Mr. Kessler offered the following amendment: "Insert after the word 'act,' in line sixteen, section one, the following: '*provided further*, that the said road shall be built on the most direct route from Austin and San Antonio, and shall be required to establish and maintain a freight and passenger depot at the county seats along the line of said road, and within one mile of the court house of said county seats; *provided*, said towns shall donate lands for this purpose, not exceeding ten acres.' "

Mr. Epperson moved to lay the amendment on the table. Lost by the following vote:

YEAS—Messrs. Abner, Ballard, Barziza, Beck, Brown of Gregg, Brown of Harrison, Delany, Donald, Easley, Epperson, Freeman, Galvan, Gellatly, Harris, Henderson of Smith, Henderson of Kendall, Johnson, Lawhon, Lea, Lindsey, Mitchell, McLeary, Miller, Murphy, Patrick, Price, Rosborough, Roberts, Schmidt, Scott, Smith of Travis, Stewart of Montgomery, Walker and Wortham—34.

NAYS—Mr. Speaker, Anderson, Bean, Brown of San Saba, Bruce, Cain, Cardis, Cochran, Denman, DeMorse, Douglass, Eastland, Foote, German, Goodwin, Harrison, Hart, Hayes, Jackman, Jenkins, Kemble, Kessler, Man-

ning, Massey, Matthews, McCuiston, Meissner, Nicholson, O'Neal, Oxsheer, Patterson, Pickett, Reeves, Rogers, Sadler, Sayers, Simpson, Smith of Grimes, Storey, Stuart of Falls, Triplett and Von Biberstein—40.

The House refused to adopt the amendment by the following vote :

YEAS—Mr. Speaker, Anderson, Bean, Brown of San Saba, Bruce, Cain, Cardis, Cochran, Denman, DeMorse, Douglass, Eastland, Foote, German, Goodwin, Harrison, Hart, Hayes, Jackman, Jenkins, Kemble, Kessler, Manning, Matthews, McCuiston, Nicholson, O'Neal, Patterson, Pickett, Reeves, Sadler, Sayers, Simpson, Smith of Grimes, Storey, Triplett and Von Biberstein—37.

NAYS—Messrs. Abner, Ballard, Barziza, Beck, Brown of Gregg, Brown of Harrison, Chambliss, Delany, Donald, Easley, Epperson, Freeman, Galvan, Gellatly, Harris, Henderson of Smith, Henderson of Kendall, Johnson, Lawhon, Lea, Lindsey, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Oxsheer, Patrick, Price, Rogers, Rosborough, Roberts, Schmidt, Scott, Smith of Travis, Stephens, Stewart of Montgomery, Stuart of Falls, Swain, Walker and Wortham—41.

Mr. Sayers moved the previous question.

Mr. Smith, of Grimes, moved to adjourn.

Lost.

The previous question was seconded and ordered. The bill passed to third reading by the following vote :

YEAS—Messrs. Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Denman, Easley, Epperson, Freeman, Galvan, Gellatly, Harris, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Massey, Matthews, Mitchell, McLeary, Meissner, Miller, Murphy, Patrick, Patterson, Price, Rogers, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Storey, Stewart of Montgomery, Swain, Von Biberstein, Walker and Wortham—50.

NAYS—Mr. Speaker, Bean, Bruce, Cain, Cochran, DeMorse, Donald, Douglass, Eastland, Foote, German, Goodwin, Harrison, Hart, Hayes, Jenkins, Kemble, Manning, McCuiston, Nicholson, O'Neal, Oxsheer, Pickett, Reeves, Rosborough, Sadler, Simpson, Smith of Grimes, Stephens, Stuart of Falls and Triplett—31.

On motion of Mr. Epperson, the rules were suspended,

and the bill was made the special order for to-morrow, 10 A. M.

Leave being granted, Mr. Sayers submitted a report from the Joint Committee on Constitutional Amendments, recommending the passage of an enclosed joint resolution, proposing amendments to the Constitution of the State of Texas, and asked that it be made special order for Friday, April twenty-fourth instant, at 9:30 A. M., and that one hundred copies of the report and joint resolution be printed.

Mr. Reeves moved to amend by making it special order for the first Thursday of the next session of the present Legislature.

Mr. Triplett moved to indefinitely postpone the report.

The motion to postpone to the first Thursday of the next session was put and failed to carry by the following vote:

YEAS—Messrs. Bean, Bruce, Cochran, DeMorse, Donald, Douglass, Eastland, Foote, Galvan, Gellatly, Harrison, Hart, Hayes, Henderson of Kendall, Johnson, Kemble, Lawhon, Lindsey, Linn, McCuiston, Nicholson, O'Neal, Pickett, Price, Reeves, Rogers, Sayers, Simpson, Smith of Grimes, Swain, Triplett and Walker—32.

NAYS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cain, Chambliss, Delany, Denman, Easley, Epperson, Freeman, Harris, Helton, Henderson of Smith, Jackman, Jenkins, Lea, Manning, Massey, Matthews, Mitchell, McLeary, Meissner, Miller, Murphy, Oxsheer, Patrick, Patterson, Rosborough, Roberts, Sadler, Schmidt, Scott, Smith of Travis, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Von Biberstein and Wortham—45.

The motion to make it special order for Friday, April twenty-fourth instant, at 9:30 A. M., and to print one hundred copies, was put and carried.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 405, "An act to encourage irrigation in El Paso county by granting land in aid thereof; also, House bill No. 516, "An act to amend 'an act to establish a criminal court in and for the cities of Waco and Marlin, and defining the

powers thereof,''' passed at the present session of the Legislature, and find each correctly engrossed.

L. J. STOREY, Chairman.

Leave being granted, Mr. O'Neal submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Joint Special Committee, to whom was referred the address for the removal of the Hon. J. P. Osterhout, Judge of the Thirty-fourth Judicial District, have considered the same, and I am instructed to report the address back to the House. The committee believe that the charges set forth in said address, if sustained by proof, are sufficient to justify the removal of said officer, but in view of an early adjournment of the Legislature, and the want of time to properly investigate the charges, the committee recommend that no further action be taken on the same at this session of the Legislature.

D. B. CULBERSON, Chairman Joint Committee.

D. B. CULBERSON,	}	Senate Committee.
A. J. BALL,		
G. B. ERATH,		
H. S. O'NEAL, Chairman House Committee.		
L. S. LAWHON,		
H. MANNING,		
D. U. BARZIZA,		
WM. B. SAYERS.		

The report was adopted.

On motion of Mr. Storey, Senate bill No. 395, to define the Twenty-second Judicial District, and to fix the times of holding the courts therein, was taken up and referred to a special committee, to be composed of the delegates from that District.

The Speaker appointed Messrs. Storey, Sayers and Jackman said committee.

Mr. Triplett, by leave, introduced a bill to incorporate the Orange and Bolivar Point Railroad Company, and aid in the construction of the same, which was read first time and referred to the Committee on Internal Improvements.

A message from the Senate announced the passage by that body of House bill No. 463, "An act authorizing the Judge of the Twenty-eighth Judicial District to hold a

special term of court in Brazos county ;" also, House bill No. 387, to provide for the sale of the land granted to the Deaf and Dumb, the Lunatic and Blind Asylums, with amendments by the Senate, and that the Senate had concurred in the House amendments to Senate bill No. 240, "An act to incorporate the Texas and Midland Railway, and to aid in the construction of the same," and Senate bill No. 86, "An act to incorporate the South-western and Rio Grande Railroad Company, and to aid in the construction of the same."

On motion of Mr. Abner, the House adjourned.

NIGHT SESSION.

House met. Roll called ; quorum present.

Absent—Messrs. Ballard, Foote, Pickett, Scott and Watts.

On motion of Mr. Brown, of Gregg, Mr. Foote was excused on account of sickness.

On motion of Mr. Murphy, Mr. Ballard was excused on account of sickness.

Leave being granted, Mr. Stewart, of Montgomery, submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on the State Penitentiary, to whom was referred the joint resolution, introduced by A. J. Hard, of Hood county, entitled "Joint resolution, authorizing the Governor to make known to the President of the United States that the Indian chiefs, Santanta and Big Tree, liberated from the State Penitentiary at the instance of the General Government, have violated their promises to maintain peace with Texas, and have renewed their inroads of rapine and murder upon our frontier counties, and also, to request that said Indians be remanded to their just punishment in said penitentiary," have duly considered the same, and have instructed me to report the same back to the House recommending that it be passed.

C. B. STEWART,
Chairman Penitentiary Committee.

The joint resolution having been read second time, the report was adopted, and the joint resolution ordered engrossed.

On motion of Mr. Douglass, the rules were suspended, the joint resolution was read third time by caption and passed.

Mr. Lea asked leave for the Committee on Counties and County Boundaries to make special reports upon bills relating to San Jacinto, Marion and Harrison counties.

Mr. Lawhon moved, as a substitute for the motion, to allow the chairman of the Committee on Counties and County Boundaries to report upon all bills in his possession, which had been acted upon. Both motions were put *seriatim* and lost.

Mr. Storey, by leave, introduced a bill to repeal an act entitled "An act to provide for the public printing by contract," which was read first time and passed to the order of the day.

House bill No. 108, to regulate the fees of office, was resumed, being on its final passage. Mr. Reeves moved to lay the bill on the table, which carried.

Mr. Henderson, of Smith, moved that the Committee on Commerce and Manufactures be instructed to return the report which had been recommitted to them for correction. The House refused to allow the report to be made.

Reports from Committee on Internal Improvements:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on Internal Improvements, to whom was referred the petition of the citizens of Washington county, asking that all bridges obstructing the navigation of the Brazos River be removed, have had said petition under consideration.

Your Committee find that the term "navigable stream" has a technical meaning and is defined by our statute to be a stream of "the average width of thirty feet." Under this definition your Committee consider that the Brazos River at the point of the crossing of the Houston branch of the Texas Central Railroad is a navigable stream.

Your Committee find that the General Law of the State, enacted February 7, 1854, declares that "no bridge or other obstruction shall be erected across, in or over any navigable stream, so as to prevent or unreasonably impede the navigation thereof," and that the charter of the Washington County Railway, passed February 2, 1856, two years subsequent to the enactment of this General Law, declares that

"it (i. e. railroad company) shall be subject to the provisions of any general law that has or may be enacted." The language of the charter, authorizing the railroad to cross the Brazos river is as follows: "The company shall be authorized to construct, own, and maintain a railway, commencing at such point on the Galveston and Red River Railroad as said corporation shall deem most suitable, crossing the Brazos River within the limits of Washington county, running thence by most direct route to Brenham."

While your Committee believe that when navigable rivers are exclusively within the State, that the Legislature may partially or wholly authorize the obstruction of navigation, yet your committee do not conceive that this authority to obstruct the Brazos River is given either directly or by intendment in the charter of the Washington County Railroad, nor can any such authority be derived from a fair construction of the foregoing extract of said charter, especially since by the very terms of the charter it is subject to the provisions of the General Law enacted anterior to the granting of the charter, which General Law inhibits the erection of any bridge obstructing navigation. It is manifest to your committee that it is now and has long been the settled policy of the State to guard its navigable streams from obstruction, and to improve them for highways. This policy was evidenced by the decision of the court in the case of the toll bridge over the Angelina River at Buck Shot Crossing. This bridge obstructed the passage of cotton boats on a navigable stream, and the court decreed that a portion of the bridge should be removed so as to pass cotton boats, which was accordingly done. The policy of the State is also indicated by the penal law against obstructing navigable streams (Art. 428); by the internal improvement law (O. and W. 1478).

Your Committee believe that two alternative remedies are applicable to this case: First. If the bridge be such a nuisance as "worketh hurt, inconvenience or damage" to others, it is competent for the people of Washington county to present this bridge as such, and to invoke the action of the proper tribunal thereon. Second. For the Legislature to direct that the Attorney General inquire into the matter, and if proper cause be found, to bring suit to forfeit the charter of said company for the violation of the law of this State respecting the obstruction of navigation.

Your Committee has not deemed it necessary to recommend any special legislation in the premises.

B. H. EPPERSON, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred House bill No. 373, entitled "An act to incorporate the Gonzales Railway Company," have had the same under consideration, and instructed me to report it back and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time by caption and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cain, Cardis, Chambliss, Delany, Denman, DeMorse, Eastland, Edwards, Epperson, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, O'Neal, Oxsheer, Patrick, Price, Reeves, Rogers, Rosborough, Roberts, Sayers, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker and Wortham—60.

NAYS—Messrs. Bean, Bruce, Cochran, Donald, Douglass, German, Hart, Hayes, Kemble, McCuiston, Middleton, Nicholson and Patterson—13.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred House bill No. 243, entitled "A bill to incorporate the Waxahachie and Ennis Telegraph Company," has had the same under consideration, and instructed me to report it back and recommend that it do not pass, because the general incorporation act amply provides for a corporation of this character contemplated by the bill, and, in the opinion of your committee, there is no necessity for the

passage of this bill, to enable the parties to do all they desire to be authorized to do by this bill.

B. H. EPPERSON, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred the memorial of sundry citizens of Bastrop asking for such legislation as would require the Houston and Texas Central Railroad Company to establish a depot at Page, had the same under consideration, and instructed me to report the accompanying bill, entitled "An act to require railroad companies to establish depots for the convenience of travel and commerce at suitable distances from each other," and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill was read. A similar bill having been recently passed by the House, on motion of Mr. Miller, the bill and report were laid on the table.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred House bill No. 297, entitled "An act to incorporate the Rusk Tap Railway Company," has had the same under consideration, and instructed me to report it back, and to recommend its passage with the following amendments: First. In section eight, strike out after the word "provided" in line twelve, all of that section and insert after the word "provided," "by the general law of the State." Second. Strike out ninth section and insert the accompanying section as a substitute for it. Substitute for ninth section: Section 9. That three miles of said road shall be built within three years from the passage of this act, and that the entire road to its connection with the International and Great Northern Railroad, shall be completed within six years from the passage of this act.

B. H. EPPERSON, Chairman.

On motion of Mr. Denman, the bill and report were laid on the table subject to call.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements to whom was referred the petition of Levi Jones for the passage of a railroad charter with accompanying bill, has had the same under consideration and instructed me to return the same and recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

Mr. Meissner moved to strike out section fourteen.

Mr. Hayes moved to lay that motion on the table, which carried.

Mr. Epperson moved to suspend the rules and put the bill on its third reading.

Mr. Smith of Grimes moved to adjourn.

The motion to suspend the rules was carried.

The bill having been read third time by caption, Mr. Epperson moved to strike out section fourteen.

Lost.

The bill was then put upon its passage, with the following result:

YEAS—Mr. Speaker, Anderson, Barziza, Brown of Gregg, Cardis, Chambliss, Delany, Denman, Donald, Douglass, Epperson, Freeman, Galvan, Gellatly, Goodwin, Harris, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Kessler, Lawhon, Lindsey, Manning, Massey, Matthews, Mitchell, McLeary, Miller, Nicholson, Oxsheer, Price, Reeves, Rosborough, Roberts, Sayers, Smith of Travis, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein and Walker—45.

NAYS—Messrs. Abner, Bean, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cochran, Eastland, Edwards, Farrar, German, Harrison, Jenkins, Kemble, McCuiston, Meissner, Middleton, Murphy, Patrick, Patterson, Rogers, Smith of Grimes, Stephens and Wortham—25.

A two-thirds vote being necessary, the bill was declared to have been lost.

Mr. Smith, of Grimes, moved to reconsider the vote just taken.

On motion of Mr. Triplett, the further consideration of the bill was temporarily postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements to whom was referred House bill No. 409, entitled "An act to incorporate the Lake City Railway Company and to aid in the construction of said railway," has had the same under consideration, and instructed the same back, and recommend its passage. B. H. EPPERSON, Chairman.

Mr. Triplett moved a call of the House. The call was not sustained.

Mr. Barziza moved to adjourn. Lost.

Mr. Triplett moved a call of the House which was seconded and ordered.

Before it could be made, Mr. Sayers moved to suspend the call, which was carried.

The bill above cited having been read second time, the report was adopted and the bill ordered engrossed.

On motion of Mr. Epperson the rules were suspended, the bill was read third time and passed by the following vote :

YEAS—Mr. Speaker, Anderson, Barziza, Beck, Brown of Gregg, Brown of Harrison, Chambliss, Delany, Denman, Eastland, Edwards, Epperson, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Kessler, Lawhon, Lindsey, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Oxsheer, Patrick, Price, Reeves, Rogers, Roberts, Sayers, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein and Walker—48.

NAYS—Messrs. Bean, Bruce, Cain, Cochran, Donald, Douglass, German, Hart, Hayes, Kemble, Matthews, McCuiston, Middleton, Nicholson, Patterson and Wortham—16.

Mr. Roberts moved to adjourn. Lost.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements to whom was referred Senate bill No. 311, entitled "An act to authorize the International and Great Northern Railroad Company to issue bonds," has had the same under consideration, and instructed me to report it back and to recommend its passage. B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted and the bill passed to third reading.

On motion of Mr. Denman, the rules were suspended and the bill was put on its third reading.

On motion of Mr. Epperson, the bill was read third time by caption and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred Senate bill No. 105, entitled "An act to amend an act entitled 'an act to incorporate the Austin and Pacific Short-Line Railroad Company,'" passed May 3, 1873, has had the same under consideration, and instructed me to report it back, and to recommend its passage.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report was adopted.

On motion of Mr. Triplett, Mr. Watts was excused for non-attendance this evening, on account of business.

Mr. Stephens offered the following amendment: Add to section two, "and said road shall pass through the town of Brownwood, in Brown county." The amendment was adopted. The bill passed to third reading. On motion of Mr. Stephens, the rules were suspended, the bill was read third time by caption and passed.

Mr. Brown of Harrison moved to adjourn. The House refused.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred Senate bill No. 364, entitled "An act to incorporate the Hearne, Belton and North-Western Railroad Company, and aid in constructing the same by granting lands thereto," has had the same under consideration, and instructed me to report the same back, and to recommend its passage, with the following amendment: Add the following to the eighth section: "*Provided*, the State shall never be held liable for any deficiency of the public domain upon which to locate such certificates."

B. H. EPPERSON, Chairman.

The amendment was adopted.

The bill having been read second time, the report was adopted, and the bill passed to third reading. On motion of Mr. Lawhon, the rules were suspended, and the bill was put on its third reading. On motion of Mr. Epperson, the bill was read third time by caption, and passed by the following vote:

YEAS—Mr. Speaker, Anderson, Beck, Brown of Gregg, Brown of San Saba, Cardiss, Chambliss, Delany, Denman, Eastland, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Kessler, Lawhon, Manning, Massey, Mitchell, McLeary, Miller, Murphy, Oxsheer, Patrick, Price, Rogers, Rosborough, Roberts, Sayers, Smith of Travis, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Triplett and Von Biberstein—42.

NAYS—Messrs. Bean, Bruce, Cain, Cochran, Donald, Douglass, Farrar, German, Hart, Hayes, Jenkins, Kemble, Matthews, McCuiston, Middleton, Nicholson, Patterson, Reeves, Swain and Wortham—20.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Internal Improvements, to whom was submitted Senate bill No. 127, "An act to improve the navigation of the Sabine, Neches and Angelina rivers and Pine Island Bayou, in the State of Texas," respectfully report the same back, with the following amendments: Section three, strike out the words "out of the treasury of the State of Texas," and insert "by the contractor or contractors. Section first, insert after the word "Cherokee" the words "San Augustine and Shelby," and recommend that it do pass as amended.

B. H. EPPERSON, Chairman.

The bill having been read second time, the report and amendments were adopted. On motion of Mr. Storey, the bill was temporarily passed over.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Internal Improvement Committee, to whom was referred Senate Bill No. 150, entitled "An act to grant lands to the International Railroad Company, in lieu of bonds on a portion of the line of its road," has had the same

under consideration, and instructed me to report it back, and to recommend its passage.

B. F. EPPERSON, Chairman.

The bill having been read second time, the report was adopted. Mr. Douglass moved to pass over the bill temporarily. Lost.

Mr. Murphy offered the following amendment: Insert before the words "Rio Grande river" the words "Laredo on the."

Mr. Smith of Grimes moved to indefinitely postpone the bill and amendment.

Mr. Harrison moved to adjourn, which carried.

EIGHTHY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 23, 1874. }

House met; prayer by the chaplain. Roll called; quorum present.

Leave being granted, Mr. Stewart of Montgomery, offered the following resolution:

Resolution providing for the appointment by the Speaker of a sanitary committee.

WHEREAS, nearly all civilized nations are now making earnest endeavors towards the discovery of the causes and of the means of prevention of diseases, particularly in regard to epidemic diseases; and

Whereas, The authorities of the State of Texas should, for the protection and well-being of her citizens, make like effort in these important interests; and

Whereas, There will scarcely be time at this fast closing session of the Legislature to elaborate competent legislation in measures so much needed; therefore,

Be it resolved by the Legislature of the State of Texas, That a committee of five members be appointed by the Speaker to ascertain and make due report to the next session of the Legislature what legislative measures may be useful or necessary in the sanitary interests of the country.

The resolution was adopted.

The Speaker appointed Messrs. Stewart, of Montgomery, chairman; Douglass, Matthews, Middleton and Foote.

On motion of Mr. McLeary, Mr. Delany was added to the committee.

On motion of Mr. Delany, the reading of the journal of yesterday was dispensed with.

Mr. Delany moved to take up Senate joint resolution No. 391, to annex the parishes of Caddo and DeSoto, State of Louisiana, to the State of Texas. The House refused.

Mr. Reeves asked to be allowed to retire from the chairmanship of the Committee of Free Conference upon House bill No. 385, to limit the power of taxation in cities and towns, and that Mr. Barziza be appointed chairman in his stead. His request was granted.

On motion of Mr. Reeves, the Committee on State Affairs was allowed to submit two reports, the subject matter of the same to lie on the table to await the regular order.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on State Affairs, to whom was referred Senate Bill No. 104, entitled "An act providing the time of holding the annual sessions of the Legislature of the State of Texas," have had the same under consideration, and I am instructed by the committee to report the same back, recommending its passage.

W. B. SAYERS, Chairman.

The bill having been read second time, the report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The committee on State Affairs, to whom was referred Senate bill No. 162, entitled "An act to authorize the several counties of this State to raise means to pay their present indebtedness," have had the same under consideration and respectfully recommend its passage.

W. B. SAYERS, Chairman.

The bill having been read second time, the report was adopted.

Senate bill No. 150, to grant lands to the International Railroad Company in lieu of bonds on a portion of the line of its road, was announced.

On motion of Mr. Epperson, it was temporarily passed over.

House bill No. 387, to provide for the sale of the land granted to the Deaf and Dumb, the Lunatic and Blind Asylums was taken up, pending the following amendments by the Senate:

Section one, at the end of line ten add "if satisfied of their qualification."

Section five, line three, strike out the words: "which shall be credited to him on the first payment, and deducted by the Treasurer."

Section five, line five, amend by striking out the word "but" and inserting in lieu thereof "and;" also, same section at the end thereof, strike out "himself." Section six, after the word "settlement" in line eight insert the words "under the provisions of this act." Section seven, line three, amend by inserting between the words "refuse" and "to" "for three months;" also, between "act" and "shall" in line two the word "who." Section eight, lines four and seven, amend by striking out the word "six" and inserting "twelve." In section nine amend by striking out all after the word "person" in line ten. Section ten, amend by inserting in line four after the word "lands," the words "and for necessary fire wood."

The amendments were taken up *seriatim* and concurred in.

Senate bill No. 6, to regulate the sale of the Homestead, was read second time.

On motion of Mr. McLeary, it was postponed until the next session of the present Legislature.

House bill No. 231, to incorporate the Galveston Cotton Exchange, was read second time.

Mr. Denman moved to postpone the bill until the next session of the Legislature, which carried.

House bill No. 297, to incorporate the Rusk Tap Railway Company, was taken up.

On motion of Mr. Denman, it was postponed until the next session of the Legislature, to take its regular order.

Senate bill No. 148, to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same, was taken up, being special order, and read third time.

Mr. Hayes offered as a substitute for the bill a joint resolution authorizing the adjustment of differences between

the International Railroad Company, and the State of Texas, which was read.

On motion of Mr. McLeary, the joint resolution was laid on the table. The bill then passed.

House bill No. 519, to require railroad companies to establish depots for the convenience of travel and commerce.

Mr. Sayers moved to indefinitely postpone the bill, its subject matter being covered by another bill already passed. The motion carried.

House bill No. 230, for the relief of Thomas Goggan & Brother, was taken up, pending a motion to reconsider the vote by which the House refused to pass the bill. The motion to reconsider was put and carried. The bill having been read, Mr. Kessler offered the following substitute for the caption: "An act providing for the payment of certain furniture in the Governor's mansion." The amendment was adopted. The bill then passed by the following vote:

YEAS—Mr. Speaker, Abner, Ballard, Barziza, Bean, Beck, Brown, of San Saba, Brown, of Harrison, Bruce, Cardis, Cochran, DeMorse, Eastland, Edwards, Freeman, Galvan, Gellatly, Goodwin, Harris, Helton, Henderson, of Kendall, Jackman, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, Massey, Mitchell, McLeary, Meissner, Middleton, Miller, Murphy, Oxsheer, Price, Reeves, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Storey, Stewart of Montgomery, Stuart, of Falls, Triplett, Von Biberstein, Walker and Watts—51.

NAYS—Brown of Gregg, Cain, Denman, Donald, Easley, Foote, German, Hayes, Henderson of Smith, Jenkins, Manning, Matthews, McCuiston, Nicholson, O'Neal, Patrick, Rogers, Rosborough, Sadler, Smith of Grimes, Swain and Wortham—22.

Mr. Murphy moved to take up from the Speaker's table Senate bill No. 416, to authorize the Judge of the Twenty-fifth Judicial District to hold a special term of the District Court in El Paso county.

The House refused.

House bill No. 518, to repeal an act entitled "An act to provide for the public printing by contract" was taken up and read second time.

Mr. Triplett offered as a substitute therefor a bill supplemental to and amendatory of an act entitled "An act to

provide for the public printing by contract," approved March 14, 1874.

Mr. Goodwin moved to refer the bill and substitute to the Committee on Printing and Contingent Expenses, with instruction to report thereon at 10 A. M. to-morrow. The House refused to refer.

On motion of Mr. DeMorse, the reading of the substitute was dispensed with, as it could be found in the printed laws.

Mr. Henderson, of Smith, moved to refer the bill and substitute to the Committee on Printing and Contingent Expenses, with instructions to report thereon at 11 A. M. to-morrow. The motion carried.

House bill No. 520, to incorporate the Bolivar and Beaumont Railroad Company was taken up.

On motion of Mr. Kessler, having been read in full last night, it was read third time by caption only. The bill failed to pass by the following vote, two-thirds being requisite:

YEAS—Mr. Speaker, Barziza, Brown of Gregg, Cardis, Denman, Donald Douglass, Easley, Edwards, Epperson, Freeman, Galvan, Harris, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lea, Lindsey, Manning, Massey, Mitchell, McLeary, Miller, O'Neal, Oxsheer, Price, Reeves, Rosborough, Roberts, Sayers, Schmidt, Simpson, Smith of Travis, Storey, Stuart of Falls, Triplett, Von Biberstein, Walker and Watts—44.

NAYS—Messrs. Abner, Ballard, Bean, Beck, Brown of San Saba, Bruce, Cain, Cochran, Eastland, Foote, Gellatly, German, Harrison, Hart, Jenkins, Linn, McCuiston, Middleton, Nicholson, Patrick, Pickett, Rogers, Sadler, Smith of Grimes, Stephens, Swain and Wortham—27.

Senate bill No. 127, to improve the navigation of the Sabine, Neches and Angelina rivers and Pine Island Bayou, in the State of Texas, was taken up and read second time.

Mr. Harrison moved to amend by striking out "land" wherever it occurs, and inserting in lieu thereof, "any water in the Gulf of Mexico not otherwise appropriated."

On motion of Mr. Denman, the amendment was laid on the table.

Mr. Abner moved to strike out "eight sections" and insert in lieu thereof "six sections." The amendment was lost. The bill passed to third reading.

On motion of Mr. Johnson, the rules were suspended, the bill was read third time by caption, and passed by the following vote :

YEAS—Messrs. Abner, Anderson, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Denman, DeMorse, Donald, Easley, Eastland, Edwards, Epperson, Freeman, Galvan, Gellatly, Goodwin, Harris, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Mitchell, McLeary, Middleton, Miller, Murphy, O'Neal, Price, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Swain, Triplett, Von Biberstein, Walker, Watts and Wortham—56.

NAYS—Messrs. Bean, Cain, Douglass, Foote, German, Harrison, Hart, Helton, Matthews, McCuiston, Meissner, Nicholson, Oxsheer, Patrick, Patterson, Pickett and Sadler—17.

House bill No. 218, to amend the seventh, eighth and ninth sections of an act entitled "An act to protect the farming interests of this State," passed May 16, 1873, was taken up and read second time.

Mr. Cochran offered the following amendment: *Provided*, that any county or subdivision of any county that has heretofore adopted by vote the provisions of the act to which this act is an amendment, shall have the right and power to annul and repeal the same so far as the law relates or pertains to said county or subdivision of said county, in the same way and manner and by a like three-fifths vote as is required by this act to adopt the provisions of the same, and said election shall be held for the repeal of the act above referred to, in the same way and manner, and under the same regulations as govern the elections held for the adoption of the provisions of this amended act.

The amendment was adopted.

On motion of Mr. Bruce, the county of Johnson was stricken from the list of those exempted from the operations of this bill.

On motion of Mr. Harrison, Kaufman county was stricken out of the same list.

On motion of Mr. Von Biberstein, Washington county was struck from the list of exempted counties.

On motion of Mr. Meissner, the counties of Waller, Washington, Brazoria, Matagorda, Galveston, Robertson,

Burleson, Fort Bend, Wharton, were stricken from the list of counties exempted from the operations of the bill, and brought thereunder.

On motion of Mr. Linn, the counties of Victoria, Jackson, Calhoun, Refugio, Aransas, Goliad, San Patricio, Bee, Live Oak, Karnes, DeWitt, Hunt, Fannin and Kaufman were added to the list of counties exempted from the operations of the act.

The bill was then ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time and passed.

House bill No. 434, to re-enact sections thirteen and fourteen of the district court, act, approved March 16, 1848, was taken up and read second time and ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time by caption and passed.

House bill No. 455, to establish the Bureau of Statistics and History of the State of Texas, was taken up, read second time and ordered engrossed.

Mr. Epperson moved to suspend the rules and put the bill on its third reading.

The House refused.

House bill No. 513, to provide for the building and completing of two State Penitentiaries, with a view to the utilization of the convict labor of the State in mining and manufacturing enterprises, was read second time.

Mr. McLeary moved to amend section one, line fifteen, by inserting after the word "river" the words "in the Sixth Congressional District." The amendment was adopted.

Mr. Simpson offered the following amendment: Section one, line eleven, strike out "north" in the word "north-eastward."

The House refused to adopt the amendment.

Mr. Sayers moved to suspend the rules and put the bill on its third reading, which was carried. The bill was read third time by caption and passed by the following vote:

YEAS—Messrs. Abner, Barziza, Bean, Beck, Brown of Gregg, Brown of Harrison, Cain, Chambliss, Cochran, Delany, Denman, Donald, Easley, Eastland, Edwards, Epperson, Foote, Freeman, Galvan, Harris, Harrison, Hart, Helton, Henderson of Kendall, Jackman, Jenkins,

Johnson, Kemble, Lawhon, Lea, Lindsey, Manning, Matthews, McCuiston, Mitchell, McLeary, Middleton, Miller, Murphy, Nicholson, O'Neal, Oxsheer, Patrick, Price, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Stewart of Montgomery, Stuart of Falls, Von Biberstein, Walker, Watts and Wortham—60.

NAYS—Messrs. Anderson, Goodwin, Hayes and Triplett—4.

House bill No. 302, to regulate life and health insurance companies, and all associations, partnerships or individuals doing life and health insurance business, incorporated within or without the State of Texas, was taken up, read second time and ordered engrossed.

On motion of Mr. Simpson, the rules were suspended, the bill was read third time by caption and passed.

Mr. Storey submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Special Committee, to whom was referred Senate bill No. 395, "An act to define the Twenty-second Judicial District, and to fix the time of holding the courts therein," have considered the same, and have instructed me to report the same back to the House with sundry amendments, and recommend that the bill as amended do pass.

L. J. STOREY, Chairman.

Amendments by the Committee: "Strike out sections two and three and insert in lieu thereof the following: 'Section 2. That the terms of the district court of said district shall be begun and held as follows, to-wit: First. In the county of Caldwell, on the first Mondays in January, the second Mondays in April and the first Mondays in September of each year, and may continue in session three weeks. Second. In the county of Gonzales, on the fourth Mondays in January, first Mondays in May, and the fourth Mondays in September of each and every year, and may continue in session for four weeks. Third. In the county of Guadalupe, on the first Mondays in March, July and December, and may continue in session three weeks. Fourth. In the county of Hays, on the fourth Mondays in March and July, and the first Mondays in November of each year, and may continue in session two weeks. Section 3. That all writs and process issued by

or from said courts is hereby made returnable, in conformity with the provisions of this act. Section 4. That all laws or parts of laws in conflict with this act are hereby repealed. Section 5. That this act take effect and be in force from and after the first day of June next.' "

The amendments were taken up *seriatim* and adopted.

The bill then passed to third reading.

On motion of Mr. Storey the rules were suspended, the bill was read third time and passed.

Leave being granted, Mr. Denman offered the following resolution :

WHEREAS, there appears in the Galveston Daily Mercury of date the twenty-second instant, a scurrilous and insulting communication to members of the Fourteenth Legislature, impugning the motives of honorable members of this body, signed by the reporter of said paper, signed C. M., and when called upon to explain his reasons for thus offending, said he was hired to denounce all opponents to the International Compromise of corrupt and base conduct; be it

Resolved by the House of Representatives, now in session, that said reporter be expelled from the House as reporter for his unbecoming and slanderous denunciation of the honorable members of this body.

Mr. Swain offered the following substitute for the resolution :

WHEREAS, Chas. Matthews, a reporter for the Galveston Mercury, has abused the courtesies and privileges extended to him by the House of Representatives, by writing an abusive and scurrilous article impugning the motives of certain members; therefore be it

Resolved, That said Chas. Matthews be and is hereby expelled from any privileges as reporter.

The substitute was adopted.

Mr. Hayes offered the following communication, and asked to have it read and spread upon the journal, which was ordered.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The undersigned members of the Fourteenth Legislature state that, when they called upon Charles Matthews, correspondent of the Houston Mercury, to state why he had written this article in the Galveston Mercury, he stated

that he was paid to denounce all members who voted against the International Railroad compromise.

Signed :

IRA B. SADLER,
L. C. DEMORSE,
T. H. HAYES.

Mr. Galvan moved to postpone the resolution until tomorrow, at 11 A. M. Lost.

The resolution was adopted by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Barziza, Beck, Brown of Gregg, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Eastland, Edwards, Farrar, Foote, Freeman, German, Goodwin, Harris, Harrison, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, Mitchell, McLeary, Miessner, Middleton, Miller, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Simpson, Smith of Travis, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watts and Wortham—67.

NAYS—Messrs. Galvan and Gellatly—2.

Report from Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 373, "An act to incorporate the Gonzales Railway Company;" also House bill No. 409, "An act to incorporate the Lake City Railway Company and to aid in the construction of said railway," and find each correctly engrossed.

L. J. STOREY, Chairman.

Mr. Denman moved to reconsider the vote by which the House refused to pass House bill No. 231, to incorporate the Cotton Exchange.

On motion of Mr. Storey the House adjourned.

AFTERNOON SESSION.

House met; roll called, quorum present.

Absent—Messrs. Barziza and Triplett.

Mr. Farrar rose to a point of order, taking position that the vote on the passage of the International Railroad bill should have been taken by yeas and nays.

The Speaker ruled that no appropriation of land or money being embraced in the bill, the point was not well taken, but that the question could be more fully reached by a motion to reconsider.

Mr. Farrar gave notice of his desire to spread his protest upon the journals of the House.

Mr. Brown of San Saba moved to reconsider the vote passing Senate bill No. 148, to limit the amount to be issued in bonds of the State to the International Railroad, and to provide for the payment of the same, with a view to having the vote taken by yeas and nays.

Mr. McLeary moved to lay that motion on the table, which carried by the following vote:

YEAS—Messrs. Abner, Anderson, Ballard, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Easley, Epperson, Freeman, Galvan, Gellatly, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lea, Linn, Massey, Mitchell, McLeary, Meissner, Murphy, Patterson, Rogers, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Storey, Stewart of Montgomery, Swain, Von Biberstein, Walker and Watts—41.

NAYS—Messrs. Bruce, Cain, Cochran, Denman, DeMorse, Donald, Douglass, Eastland, Edwards, Farrar, Foote, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Jenkins, Kemble, Lindsey, Manning, Matthews, McCuiston, Middleton, Miller, Nicholson, O'Neal, Oxsheer, Patrick, Pickett, Price, Reeves, Rosborough, Sadler, Simpson, Stephens, Stuart of Falls and Triplett—39.

A message from the Senate announced that a motion to reconsider the vote concurring in the House amendments to Senate bill No. 240, to incorporate the Texas, Midland, Gulf and New Orleans Railway, and to aid in the construction of the same, was pending in that body.

House bill No. 402, to amend sections nine, ten, eleven, fifteen, seventeen, twenty, twenty-two and thirty-eight of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, was taken up.

On motion of Mr. Pickett, the House proceeded to consider the bill by sections.

Section one was adopted.

Mr. Hayes moved to amend section two, line sixteen, by striking out "\$3000" and inserting in lieu thereof "\$2500," which carried.

Mr. Hayes moved to amend same section, line twenty, by striking out "\$1800" and inserting in lieu thereof "\$1500." Lost.

Mr. McLeary moved to reconsider the vote adopting the first amendment, substituting "\$2500" for "\$3000." The vote was reconsidered by the following vote:

YEAS—Messrs. Abner, Anderson, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Donald, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Galvan, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Kemble, Lawhon, Lindsey, Linn, Manning, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Oxsheer, Patterson, Pickett, Price, Rogers, Rosborough, Roberts, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Swain, Von Biberstein, Walker and Wortham—49.

NAYS—Messrs. Bean, Bruce, Cain, Cochran, Denman, DeMorse, Douglass, Freeman, Gellatly, Harris, Hart, Hayes, Johnson, Kessler, Matthews, McCuiston, Middleton, Nicholson, O'Neal, Patrick, Reeves, Sayers, Schmidt, Stuart of Falls, Triplett and Watts—26.

The amendment was then refused.

Section two was then adopted.

Section three was adopted.

Mr. McLeary moved to amend section four by striking out the proviso, being the last clause of the section.

The House refused to strike out.

Mr. Denman offered the following amendment: Strike out the last two words of line five, and all of line six except the last two words.

The amendment was adopted.

Mr. Wortham offered the following amendment: Strike out all between the word "branches" in line fifteen, section four, and the word "provided" in line eighteen. The amendment was refused.

Section four was adopted.

Sections five, six, seven, eight and nine were read and adopted *seriatim*.

The bill was ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Kemble, the Committee on Education submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Education, to whom was referred Senate bill No. 77, entitled "An act to authorize the county courts to sell the public school lands belonging to their respective counties," have had the same under consideration, and instruct me to report it back with the following amendments, and recommend that it do pass.

J. W. KEMBLE, Chairman *pro tem*.

Amendments: Section nine, strike out lines six to eighteen inclusive. Section twenty-one, insert in the second line after the word "payments" the words "hereinbefore specified." Section twenty-two, strike out lines fourteen, fifteen and sixteen. Section twenty-four, strike out the entire section. The amendments were adopted.

On motion of Mr. Henderson, of Smith, the bill was taken up by sections. Section one was adopted.

Mr. Walker moved to add to section two the following: *Provided*, that when in any county, lands have been accurately surveyed under any law heretofore existing, it shall not be necessary to make another survey. The amendment was adopted. Section two was adopted.

Mr. Stuart, of Falls, moved to amend section three by striking out all between the word "sale" in line four to "at" in line five.

Mr. Barziza moved to lay the amendment on the table, which carried.

Mr. Douglass offered the following amendment: In line five after "settlers" insert "in amount not to exceed one hundred and sixty acres."

Mr. Bean moved to have the bill read in full. Lost.

Mr. Watts moved to take a recess for fifteen minutes. Lost.

Mr. Foote offered the following amendment to the amendment: In line five after the word "settlers" insert "or those who may wish to buy for actual settlement."

Mr. Douglass accepted the amendment.

Mr. Freeman moved to adjourn, which was carried.

NIGHT SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Ballard, Brown of Harrison, Chambliss, Foote, Pickett and Simpson.

On motion of Mr. Triplett, Mr. Simpson was excused on account of sickness.

On motion of Mr. Miller, Mr. Foote was excused for the night on account of sickness.

Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, was resumed, pending an amendment by Mr. Douglass. Mr. Douglass withdrew his amendment.

Mr. Douglass offered the following substitute for section three.

Substitute for section three: "That when said land is subdivided and arranged, as provided for in section two of this act, the county court may offer the land for sale in tracts not to exceed one hundred and sixty acres, at a cash valuation to be made by three freeholders of the county, to be selected by the court. The said freeholders shall make and subscribe an oath before some officer authorized to administer oaths, that they are in no wise interested in said land by settlement upon the same, nor related by consanguinity or affinity to any any one that is settled upon them, and that they will assess the real and true value of each tract so called on to value, without reference to the enhanced value of the same by reason of any improvements thereon."

Mr. Manning offered as a substitute for the bill a bill to authorize the several counties to dispose of their school lands.

Mr. Lea moved to postpone the bill, amendment and substitute until to morrow, 3 P. M.

Mr. Reeves moved to lay the substitute on the table, which carried.

The motion to postpone was put and lost.

Mr. Douglas withdrew his substitute for section three.

Mr. Rosborough moved to postpone the bill to to-morrow, 11 A. M. The House refused to postpone.

Mr. Douglass renewed his substitute for section three. The substitute was adopted.

Mr. Storey moved to strike out of section two the words "without reference to the enhanced value of the same by reason of any improvements thereon."

Mr. Hayes moved to lay that motion on the table. Lost.

On motion of Mr. Lawhon, the House adjourned.

EIGHTHY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 24, 1874. }

House met. Roll called; quorum present.

Absent—Mr. Nicholson.

On motion of Mr. McCuiston, Mr. Nicholson was excused for two days on account of important business.

On motion of Mr. Stuart, of Montgomery, the resolution offered by himself on yesterday, calling for the appointment of a committee upon sanitary measures, was made a concurrent resolution, and as such adopted.

A message from the Senate announced the passage by that body of House bill No. 405, to encourage irrigation in El Paso county, by granting land in aid thereof.

The journal of the twenty-second instant was read and adopted.

The journal of yesterday was read.

Mr. Farrar asked to have the following correction inserted, which was ordered:

“Immediately after the call of the roll (afternoon session), Mr. Farrar rose to a point of order, taking position that the vote on the passage of the International railroad bill should have been taken by yeas and nays.”

The Speaker ruled that no appropriation of land or money being embraced in the bill, the point was not well taken, but could be reached by a motion to reconsider.

Mr. Farrar gave notice of his desire to spread his protest upon the journal of the House.

On motion of Mr. Barziza, Mr. Schmidt was excused for the day on account of sickness.

On motion of Mr. Barziza, Mr. Goodwin was excused for two days, beginning to-morrow, on account of important business.

Mr. Murphy asked to have Senate bill No. 416, to authorize the Judge of the Twenty-fifth Judicial District to hold a special term of the district court in El Paso county, taken up.

The request was granted, the bill was read second time and passed to third reading.

On motion of Mr. McLeary, the rules were suspended, the bill was read third time and passed.

On motion of Mr. Triplett, the following communication just received from His Excellency the Governor, was taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 24, 1874.)

To the Honorable House of Representatives of the State of Texas :

GENTLEMEN—I return, without my approval, and respectfully ask your reconsideration of House bill No. 284, being “An act to regulate the order of business in district courts of Karnes county.”

This bill provides that all terms of the district court, held in Karnes county, between the first Mondays in May and October, shall be devoted *exclusively* to the transaction of Probate business, and the trial of criminals who may be in jail.

It will be perceived by reference to section six, article five, of the Constitution, that the district court is a court of original and general jurisdiction ; that it was created by and derives its powers from the Constitution. Section five of the same article of the Constitution provides that terms of this court shall be held three times a year in each county in every judicial district in the State, leaving to the Legislature the power to designate the *times* and *places* at which they shall be held.

Is it competent for the Legislature to enact, that a portion of this general jurisdiction vested in these courts by the Constitution, which they were created to exercise, shall not be exercised at any particular term or terms ? It seems to me that this question must be answered in the negative ; an affirmative answer would involve a concession to the Legislature of the power to take away from the district courts jurisdiction granted them by the Constitution, and in effect to destroy this court, because, if the Legislature have the power over a portion of the jurisdiction, they have it over all, and if they can strip them of it, and refuse its exercise at one term, they may do the same thing at the other two terms. The power to prescribe general rules regulating the *exercise* of this constitutional jurisdiction by the district courts, undeniably resides in the Legislature ; but there is a wide difference between regulating the exercise of jurisdiction, and *prohibiting* its exercise, as this bill does of much of the rightful jurisdiction of the district

courts of Karnes county, at the terms named. I respectfully submit that the bill is repugnant to the Constitution, and should not be passed.

Very respectfully,

RICHARD COKE.

On motion of Mr. Lawhon, the bill was laid on the table.

Report from the Committee on Enrolled Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and fined correctly enrolled, House bill No. 113, entitled "An act making an appropriation to defray the traveling and other expenses of the Adjutant General, in collecting the State arms;" also, House bill No. 174, entitled "An act to provide for the sale of alternate sections of land as surveyed by railroad companies, and set apart for the benefit of the common school fund;" also, House bill No. 341, entitled "An act to provide for the amendment of town and city charters;" also, House bill No. 386, entitled "An act to amend an act to fix the time of holding the district courts of the Twenty-first Judicial District;" also, House bill No. 463, entitled "An act authorizing the Judge of the Twenty-eighth Judicial District to hold a special term of court in Brazos county," and presented the same to the Governor for his approval, on yesterday, the twenty-third day of April, 1874, at 3:30 o'clock P. M.

E. D. LINN, Chairman.

Report from the Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 434, "An act to re-enact sections thirteen and fourteen of the district court act," approved March 16, 1848; also, House bill No. 302, "An act to regulate life and health insurance companies, and all associations, partnerships or individuals doing life and health insurance business, incorporated within or without the State of Texas;" and also, House joint resolution No. 40, "authorizing and request-

ing the Governor to make known to the President of the United States that the Indian chiefs Santanta and Big Tree have violated their promises to the Government, and that they be remanded back to their just punishment," and find each correctly engrossed.

L. J. STOREY, Chairman.

On motion of Mr. Sadler, the following report was taken up:

Hon. R. B. Hubbard, President of the Senate, and Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Joint Committee of Free Conference, to whom was referred Senate bill No. 160, entitled "An act to apportion the State of Texas into congressional districts," with amendments made by the House, after a careful examination of the same, recommend that the Senate concur in the amendments made to said bill by the House, and that the bill be further amended as follows, to-wit: Strike out the words "Fort Bend," out of the third line of the sixth section of the bill, and in the last line of the fifth section of the bill, immediately after the word "Waller," insert the words "Fort Bend." All of which is respectfully submitted.

WOOD, for Committee on the part of the Senate.

MILLER, for Committee on the part of the House.

On motion of Mr. McLeary, the report was adopted.

The special order was announced, being a joint resolution proposing amendments to the Constitution of the State of Texas, pending thereon the report of the joint committee, to whom the subject matter had been referred.

Mr. Epperson asked leave to introduce a bill supplemental to an act entitled "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same." Leave was granted by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Delany, Denman, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton,

Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Kessler, Lawhon, Lindsey, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Middleton, Miller, Murphy, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sayers, Scott, Smith of Travis, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker and Wortham—64.

NAYS—Messrs. Bean, Bruce, Cain, German, Hart, Hayes, Lea, Matthews and Smith of Grimes—9.

The bill was read first time.

On motion of Mr. Epperson, the bill was postponed to April 25, 1874, 10 A. M., one hundred copies were ordered printed, and it was made special order for that hour.

Mr. Farrar sent up the following protest, which was read and ordered spread upon the journals of the House :

HOUSE OF REPRESENTATIVES, {
AUSTIN, April 24, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The undersigned, members of the House of Representatives of the Fourteenth Legislature of the State of Texas, respectfully protest against the manner in which Senate bill No. 148, entitled "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," has passed this House. The journals disclose the fact that this bill passed this House on the final vote without the yeas and nays being called. Article three, section twenty-four, of the Constitution of the State, provides that "the final vote on all bills or joint resolutions, appropriating money or lands for any purpose, shall be by the yeas and nays."

The undersigned believe that this bill contains an appropriation of \$3,700,000, which, with interest thereon for thirty years at eight per cent. interest, amounts to the sum of \$12,580,000, principal and interest.

If there is no appropriation in this bill, then we are at a loss to discover why the International Railway Company should be solicitous for its passage, for the introduction of the present bill implies a serious doubt on the part of

the company whether the appropriation under the original charter is *legal* and *constitutional*. The charter of this company, passed August 5, 1870, contained a much more liberal appropriation than the present bill, as it provides for the issuance of bonds at the rate of \$10,000 per mile for each mile of the road constructed, the eastern terminus of the road being Fulton, on Red River, and the western terminus being Laredo, on the Rio Grande. It may be pertinently asked, if the appropriation under the charter was *legal* and *constitutional*, why does the company now consent to an appropriation which is less in fact than under the charter? Manifestly because the company believed that the people would not willingly pay these bonds, and would invoke the interposition of the courts to prevent the payment of them, and the bill under consideration makes an appropriation irregardless of that made in the charter of the company, and is an original appropriation.

It occurs to us, however, that in point of fact it makes no difference whether this is an original appropriation or whether it pretends to be the ratification of a previous illegal and unconstitutional appropriation, the principle is the same, and that the vote ratifying this character of appropriation must also be by yeas and nays. The fourth section of this bill carefully declines in theory, to recognize the right of the Legislature to tax the people to build railroads, but it does in fact sanction this principle by appropriating the aforesaid sum of \$12,580,000 to the International Railroad, which is an onerous and oppressive tax upon the industry of this State for thirty years to come. If the act of August 5, 1870, appropriating \$10,000 per mile for every mile of road constructed, was *unconstitutional* and *void*, an original appropriation, irregardless of that made by the charter of the road, is now indispensable to the interests of the road, and this bill seems to us to provide for it.

The undersigned further insist that under section six of article twelve of the constitution, it requires a two-thirds vote of each House to make the appropriation contemplated by the act in question.

In view of the premises, the undersigned respectfully protest against the manner in which this bill has been passed by the House without calling the yeas and nays, and without the requisite number of votes, and they re-

spectfully ask that this protest be spread upon the journals of the House.

L. J. FARRAR,
DAN. H. TRIPLETT,
D. D. ROSBOROUGH,
H. G. BRUCE,
M. H. MCCUISTON,
G. I. GOODWIN,
R. BEAN,
JOHN A. COCHRAN,
J. W. KEMBLE,
IRA B. SADLER,
H. F. O'NEAL,
H. MANNING,
G. B. PICKETT,
C. S. JENKINS,
L. C. DEMORSE,

JAMES B. SIMPSON,
G. W. MATTHEWS,
A. M. DOUGLASS,
T. H. HAYES,
A. J. NICHOLSON,
A. J. HART,
J. L. GERMAN,
J. K. HELTON,
A. K. MIDDLETON,
T. H. CAIN,
W. M. OXSHEER,
G. A. FOOTE,
E. C. STUART,
TILLMAN SMITH.

"I sign this protest believing that it is correct in the main questions raised, and if it is contended that the bill does not make an appropriation, it cannot be contended that it does not ratify an appropriation of \$10,000 a mile for three hundred and seventy miles of said road when constructed.

JNO. D. STEPHENS."

The Speaker stated in connection with the protest, that the yeas and nays had not been ordered upon the passage of the International bill. The special order was resumed.

Mr. Kemble moved to pass over the special order for the present, and take up Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties.

Mr. Harrison moved to postpone the special order to Monday, April 27, 1874, 11 A. M., and make it special order for that hour.

Mr. Simpson offered the following resolution: *Resolved*, that the consideration of the report on constitutional amendments be postponed until the third Tuesday of the second session of the Fourteenth Legislature.

The resolution having precedence, was put and adopted by the following vote:

YEAS—Messrs. Abner, Bean, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cochran, Denman, DeMorse, Donald, Douglass, Eastland, Farrar, Foote, Galvan, German, Harrison, Hart, Hayes, Henderson of Ken-

dall, Johnson, Lawhon, Lea, Linn, McCuiston, Mitchell, Meissner, Middleton, Murphy, O'Neal, Patterson, Pickett, Price, Reeves, Roberts, Sadler, Sayers, Scott, Simpson, Smith of Grimes, Stuart of Falls, Triplett, Watts and Wortham—45.

NAYS—Mr. Speaker, Anderson, Brown of Gregg, Chambliss, Delany, Easley, Epperson, Gellatly, Goodwin, Harris, Helton, Henderson of Smith, Jackman, Jenkins, Kemble, Lindsey, Manning, Massey, Matthews, Miller, Oxsheer, Patrick, Rogers, Rosborough, Smith of Travis, Stephens, Storey, Von Biberstein and Walker—29.

On motion of Mr. Simpson, the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

Absent—Mr. McCuiston.

On motion of Mr. Jackman, Mr. McCuiston was excused for the remainder of the day on account of sickness.

Mr. Sayers asked that the Committee on State Affairs be allowed to report at the night session to-night, which was granted.

On motion of Mr. Wortham, the Committee on Printing and Contingent Expenses were allowed until 11 A. M. tomorrow to make a report due to-day.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared and find correctly engrossed the following House bills, to-wit: House bill No. 513, "An act to provide for the building and completing two State Penitentiaries with views to utilization of the convict labor of the State in mining and manufacturing enterprises;" and, also, House bill No. 218, "An act to amend the seventh, eighth and ninth sections of an act to protect the farming interest of the State," passed May 16, 1873.

L. J. STOREY, Chairman.

Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, was resumed, pending the amendment offered by Mr. Storey to strike out of section three the words "without reference to the enhanced value of the same by reason of

any improvements thereon." The amendment was lost by the following vote :

YEAS—Messrs. Anderson, Brown of Gregg, Cardis, Eastland, Epperson, Galvan, Harris, Harrison, Henderson of Smith, Jackman, Lawhon, Lea, Lindsey, Massey, Matthews, McLeary, Miller, Oxsheer, Patrick, Price, Rosborough, Roberts, Sayers, Storey, Stuart of Falls, Swain and Walker—27.

NAYS—Messrs. Abner, Ballard, Bean, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Edwards, Foote, German, Goodwin, Hart, Hayes, Helton, Henderson of Kendall, Jenkins, Johnson, Kemble, Kessler, Linn, Manning, Mitchell, Meissner, Middleton, Murphy, Patterson, Pickett, Reeves, Rogers, Sadler, Scott, Smith of Travis, Smith of Grimes, Stephens, Triplett, Von Biberstein, Watts and Wortham—47.

Section three was adopted.

Section four was adopted.

Mr. Reeves offered the following additional section to become section five :

That any actual settler living upon any of the quarter or fractional sections of land provided to be sold by this act, shall have the preference over all other persons to purchase the same at the price affixed. And to enable him to secure this privilege, it shall be the duty of such person to prove up his settlement by his own oath and the oaths of two other respectable persons of the county in which the land is situated, which proof shall be filed with the agent of the county to which the land belongs, or the county clerk of the county wherein the land is situated. The proof of such settler shall contain the number and description of the quarter or fractional section, section and league, provided the preference herein granted to settlers shall only extend to a period of six months from and after the publication of the valuation of the land.

Mr. Stuart, of Falls, offered the following amendments thereto :

Provided he shall pay the taxes that would be due on said land at the appraised value to the county and State, for said exclusive privilege, for the time he has occupied the same prior to his purchase.

Mr. Reeves moved to lay the amendment on the table. Lost.

The House refused to adopt the amendment by the following vote :

YEAS—Messrs. Abner, Anderson, Beck, Brown of Harrison, Cardis, Eastland, Epperson, Galvan, Gellatly, Harris, Harrison, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lindsey, Massey, Matthews, Mitchell, McLeary, Meissner, Miller, Murphy, Price, Rosborough, Roberts, Sayers, Scott, Storey, Stuart of Falls and Walker—32.

NAYS—Messrs. Ballard, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Edwards, Farrar, Foote, German, Hart, Hayes, Helton, Jenkins, Kemble, Lawhon, Lea, Manning, Middleton, O'Neal, Oxsheer, Patrick, Patterson, Pickett, Reeves, Rogers, Sadler, Smith of Travis, Stephens, Triplett, Von Biberstein and Wortham—41.

Mr. Massey offered the following amendment to the proposed section :

Provided further, that upon said proof when properly made by said actual settler, he shall be entitled to demand of the county court of the county to which the land belongs, and upon said demand the county court shall donate to said settler one hundred and sixty acres of land.

On motion of Mr. Reeves, the amendment was laid on the table.

Mr. Harrison moved to postpone the bill to the first Monday of the second session of this Legislature.

Mr. Hayes moved to lay that motion on the table, which carried. The section was then adopted by the following vote :

YEAS—Messrs. Abner, Ballard, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Foote, Gellatly, German, Hayes, Helton, Henderson of Kendall, Jackman, Jenkins, Kemble, Middleton, O'Neal, Patrick, Patterson, Reeves, Sadler, Sayers, Smith of Travis, Stephens, Storey, Stewart of Montgomery, Triplett, Von Biberstein, Watts and Wortham—40.

NAYS—Messrs. Anderson, Beck, Brown of Harrison, Cardis, Eastland, Epperson, Galvan, Harris, Harrison, Hart, Henderson of Smith, Johnson, Lawhon, Lindsey, Manning, Massey, Matthews, Mitchell, Meissner, Miller, Oxsheer,

Price, Rogers, Rosborough, Roberts, Scott, Stuart of Falls, Swain and Walker—29.

Mr. Storey moved to amend section five, line three, by striking out "the" and inserting in lieu thereof "ten per cent." The amendment was adopted. Section five was then adopted.

Section six was adopted.

Mr. Eastland moved to add to section seven "and should the purchaser not have the 'loose change' to pay for recording the deed, the fee shall be taken out of the purchase money."

Mr. Hayes moved to lay the amendment on the table, which carried. Section seven was then adopted.

Mr. Kemble moved to insert in section eight, line three, after "bonds," the words "of this State, or of the United States." The motion carried.

Mr. Storey moved to add to section eight the words "for said county." Carried. The section was then adopted.

Section nine was adopted.

Mr. Stephens offered the following substitute for section ten: "Where there is a conflict between the lines of actual settlers, the commissioners are hereby empowered to run and settle the lines between said actual settlers, and in all respects regarding and protecting the interest of all parties interested." The House refused the amendment. Section ten was then adopted.

Mr. Reeves moved to amend section eleven by inserting in line two, after "improved," the words "and any actual settler failing to apply to the county court, or their agent, to purchase the same, as provided in section five of this act, then." The amendment was rejected.

Mr. Douglass moved to add to section eleven, "*provided*, there shall be no rents required of the settlers on said land prior to the passage of this act."

Mr. Storey moved to lay the amendment on the table. Carried.

Mr. O'Neal moved to strike out section eleven.

Mr. Storey moved to lay that motion on the table, which carried.

Section eleven was adopted.

Mr. Foote moved to strike out section twelve.

Mr. Walker moved to lay that motion on the table, which carried.

Mr. Hayes moved to strike out sections ten, eleven and twelve.

Mr. Walker moved to lay that motion on the table, which carried.

Section twelve was adopted.

Section thirteen was adopted.

Mr. Brown, of Gregg, moved to add to section fourteen the following: "That when new counties have been created out of the territory of old counties now claiming school lands, when said lands shall have been sold, the territory taken from said old county or counties for the purpose of organizing said new county shall be entitled to that portion of said proceeds as if a part of said old county; said adjustment shall be made by the county courts, and according to the number of children of scholastic age."

Mr. Walker moved to lay the amendment on the table. Lost.

Mr. Kemble moved to add to the amendment, "*provided*, the new county shall pay its *pro rata* share of the debt of the county it was taken from."

Mr. Brown, of Gregg, accepted the amendment. The amendment was adopted.

Mr. Lawhon offered the following amendment: "After the word 'treasurer,' in line three, insert the words 'of the county owning the land.'" The amendment was adopted. The section was then adopted.

Sections fifteen, sixteen, seventeen, eighteen and nineteen were adopted *seriatim*.

Mr. Meissner offered the following substitute for section twenty: "All persons purchasing any land under the provisions of this act shall pay taxes on the same from the time of receiving a certificate of sale." The substitute was adopted. The section was then adopted.

Section twenty-one was adopted.

Mr. Storey moved to amend section twenty-two by striking out of line three the words "section twenty of." Adopted. The section was then adopted.

Sections twenty-three and twenty-five were adopted.

Mr. Lawhon offered the following amendment to section four: "*provided*, that any county owning school lands, on which there are no actual settlers, may sell, lease or dispose of said lands to any person or persons in accordance with the provisions of this act." The amendment was adopted.

Mr. Storey moved to amend section two, line one, by striking out the word "shall," and inserting in lieu thereof "may." The amendment was adopted.

Mr. Anderson moved to add an additional section: "Sec. 25. *Provided*, this act shall not apply to the sale of the school lands belonging to Panola, Brazoria, Matagorda, Galveston, Harrison, Rusk and Van Zandt counties until otherwise provided for by law."

Mr. Reeves moved to lay the amendment on the table. The motion was refused by the following vote:

YEAS—Messrs. Bean, Brown of San Saba, Bruce, Cardis, Chambliss, Cochran, DeMorse, Donald, Douglass, Easley, Foote, German, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Kemble, Manning, Middleton, Oxsheer, Patterson, Reeves, Rogers, Stephens, Storey, Stewart of Montgomery, Swain, Triplett, Von Biberstein, Watts and Wortham—32.

NAYS—Messrs. Abner, Anderson, Ballard, Barziza, Brown of Gregg, Brown of Harrison, Delany, Denman, Eastland, Galvan, Gellatly, Harris, Harrison, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lindsey, Massey, Matthews, Mitchell, McLeary, Meissner, Miller, Murphy, Patrick, Price, Rosborough, Roberts, Sayers, Scott, Smith of Travis and Walker—34.

Mr. Storey moved to postpone the further consideration of the bill until the next session of the present Legislature.

Mr. Easley moved to adjourn. Lost.

On motion of Mr. Triplett, Mr. Oxsheer was excused from attendance on the night session on account of indisposition.

Mr. Reeves moved a call of the House, which was seconded and ordered.

Absent—Messrs. Edwards, Epperson, Farrar, Freeman, Kessler, Lea, Linn, O'Neal, Pickett, Sadler, Schmidt, Simpson, Smith of Grimes and Swain.

A message from the Senate announced, that that body had adopted the report of the Committee of Free Conference on Senate substitute for House bill No. 6, "To ascertain the amounts due teachers of the Public Free Schools of the State for services rendered prior to the first day of July, 1873, and to provide for the payment of the same." Also, that the Senate had concurred in first amendment, and refused to concur in second amendment by the House to Senate bill No. 136, "To extend the time for the

construction of works of internal improvements;" also, that the motion to reconsider the vote by which the Senate concurred in House amendments to Senate bill No. 240, "To incorporate the Texas, Midland, Gulf and New Orleans Railway, and to aid in the construction of the same," had been withdrawn; and the passage by that body, of Senate joint resolution No. 417, "granting leave of absence to the Hon. E. Dougherty, Judge of the Fifteenth Judicial District." Senate bill No. 277, amendatory of and supplemental to "An act to regulate the assessment and collection of taxes," approved May 31, 1873.

On motion of Mr. Hayes, the House adjourned.

NIGHT SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Abner, Freeman, Pickett and Schmidt.

On motion of Mr. Delany, Senate bill No. 277, amendatory of and supplemental to "An act to regulate the assessment and collection of taxes," approved May 31, 1873, was taken up, made special order for Tuesday, twenty-eighth instant, 11 A. M., and one hundred copies were ordered printed.

Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, was resumed, pending an additional section exempting various counties from the operations of the bill; and a motion to postpone the further consideration of the bill until the next session of the Legislature.

Mr. Douglass moved to postpone the bill to 10 A. M. tomorrow.

Mr. Storey made his pending motion to postpone definite by setting the time at the first Friday of the next Legislature.

Pending the discussion on the postponement, a message from the Senate announced the passage by that body of the following bills: House bill No. 407, to incorporate the Henderson and Overton Branch Railway Company, with amendments by the Senate. House bill No. 79, to extend the area and enlarge the county of Gregg, with amendments by the Senate. House bill No. 365, to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto, with amendments by the Senate. House bill No. 299, prescribing the time of holding the district courts in the Thirty-fourth Judicial District, with

amendments by the Senate, and House bill No. 489, to extend the provisions of House bill No. 16, entitled "An act to encourage stock raising, and for the protection of stock raisers," to the counties of Liberty, Orange, Chambers and Jefferson.

Resuming the pending matter, Mr. Swain moved to lay the motion to postpone on the table, which carried by the following vote:

YEAS—Messrs. Ballard, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, DeMorse, Donald, Douglass, Easley, Edwards, Foote, Gellatly, German, Goodwin, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Kemble, Kessler, Linn, Manning, McCuiston, Middleton, O'Neal, Oxsheer, Patterson, Reeves, Rogers, Sadler, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Swain and Wortham—41.

NAYS—Mr. Speaker, Anderson, Beck, Brown of Harrison, Cardis, Delany, Eastland, Galvan, Harris, Jackman, Johnson, Lawhon, Lea, Lindsey, Massey, Matthews, Mitchell, McLeary, Meissner, Miller, Murphy, Patrick, Price, Rosborough, Roberts, Sayers, Scott, Storey, Stuart of Falls, Triplett and Walker—31.

Mr. Harrison stated that he was paired off with Mr. Hayes.

Mr. Douglass withdrew his motion to postpone.

Mr. Murphy moved to add to the list of counties to be exempted the following: Nueces, Cameron, Hidalgo, Starr, Zapata, Encinal, McMullen, LaSalle, Dimmitt, Maverick, Zavalla, Frio, Medina, Uvalde, Kinney, Kaufman, Van Zandt, Anderson, Harrison, Rusk, Robertson and Webb.

Mr. Swain moved the previous question, which was seconded and the main question ordered.

The amendment was adopted by the following vote:

YEAS—Mr. Speaker, Anderson, Barziza, Beck, Brown of Gregg, Brown of Harrison, Cain, Cardis, Cochran, Delany, Easley, Eastland, Edwards, Epperson, Galvan, Gellatly, Harris, Harrison, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lindsey, Linn, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Oxsheer, Patrick, Price, Rosborough, Roberts, Sayers, Simpson, Smith of Travis, Smith of Grimes, Storey, Stuart of Falls, Triplett, Walker and Watts—45.

NAYS—Messrs. Ballard, Bean, Brown of San Saba, Bruce, Chambliss, Donald, Douglass, Foote, German, Hart, Hayes, Helton, Henderson of Smith, Jenkins, Kemble, Manning, Matthews, McCuiston, Middleton, O'Neal, Patterson, Reeves, Rogers, Scott, Stephens, Stewart of Montgomery, Swain, Von Biberstein and Wortham—28.

The bill then passed to third reading by the following vote :

YEAS—Messrs. Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Cochran, Donald, Douglass, Edwards, Foote, German, Hart, Hayes, Helton, Henderson of Smith, Jenkins, Kemble, Kessler, Linn, Manning, McCuiston, Middleton, O'Neal, Oxsheer, Patrick, Patterson, Reeves, Rogers, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Swain, and Wortham—37.

NAYS—Messrs. Anderson, Ballard, Beck, Brown of Harrison, Delany, Easley, Eastland, Epperson, Galvan, Gellatly, Harris, Harrison, Henderson of Kendall, Jackman, Johnson, Lawhon, Lindsey, Massey, Matthews, Mitchell, McLeary, Meissner, Miller, Murphy, Price, Rosborough, Roberts, Sayers, Scott, Simpson, Storey, Stuart of Falls, Triplett, Von Biberstein, Walker and Watts—36.

Report from the Committee on State Affairs :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs to whom was referred House bill No. 306, a bill to be entitled "An act regulating the appointment of officers for the various Asylums in this State," and House bill No. 308, "An act to reorganize the institution for the education of the Deaf and Dumb," have had the same under consideration, and I am directed by the committee to report the accompanying bill as substitute for both, with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The substitute being a bill regulating the appointment of officers for the various Asylums of this State, having been read, was adopted and ordered engrossed.

On motion of Mr. Wortham, the rules were suspended to put the bill on its third reading.

On motion of Mr. Storey, the bill was postponed until to-morrow.

On motion of Mr. Beck the House adjourned.

EIGHTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 25, 1874. }

House met; prayer by Rev. A. G. Stacy. Roll called; quorum present.

Absent—Mr. Farrar.

On motion of Mr. Price, Mr. Brown, of San Saba, was excused for the day on account of sickness.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House bill No. 387, entitled "An act to provide for the sale of the land granted to the Deaf and Dumb, the Lunatic and Blind Asylums;" also, House bill No. 405, entitled "An act to encourage irrigation in El Paso county, by granting land in aid thereof," and presented the same to the Governor for his approval, this, the twenty-fifth day of April, 1874, at 9:15 o'clock A. M.

E. D. LINN, Chairman.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 402, "An act to amend sections nine (9), ten (10), eleven (11), fifteen (15), seventeen (17), twenty (20), twenty-two (22), and thirty-eight (38) of an act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, and find the same correctly engrossed.

L. J. STOREY, Chairman.

A message from the Senate announced the passage by that body of the following bills:

House bill No. 383, to amend an act, entitled "An act to authorize the county court of Comanche county to issue bonds in the name of said county, for the purpose of erecting public buildings, and to fund the present indebtedness of said county."

House bill No. 432, validating the authentication and registration of certain instruments of writing.

Senate bill No. 306, better defining the powers and duties of sheriffs and constables.

On motion of Mr. Chambliss, Senate joint resolution No. 391, to annex the parishes of Caddo and DeSoto, State of Louisiana, to the State of Texas, was taken up, read first time and passed to second reading.

On motion of Mr. Johnson, the rules were suspended, the joint resolution was read second time, and passed to third reading.

On motion of Mr. Lawhon, the rules were further suspended, and the joint resolution was read third time.

Mr. Galvan moved to postpone the further consideration of the joint resolution until the second Tuesday of the next session of the Fourteenth Legislature.

Mr. Smith, of Grimes, moved to lay that motion on the table, which was carried by the following vote :

YEAS—Messrs. Anderson, Barziza, Brown of Gregg, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Gellatly, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lea, Manning, Massey, Matthews, McCuiston, Middleton, Miller, O'Neal, Oxsheer, Patterson, Price, Rogers, Sadler, Sayers, Schmidt, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Watts and Wortham—49.

NAYS—Mr. Speaker, Abner, Ballard, Beck, Brown of Harrison, Eastland, Edwards, Epperson, Freeman, Galvan, Harris, Henderson of Kendall, Lindsey, Linn, Mitchell, McLeary, Meissner, Patrick, Reeves, Roberts, Scott and Walker—22.

Mr. Abner moved to amend the caption by striking out parishes of Caddo and DeSoto.

Mr. Denman moved the previous question, which was seconded, and the main question ordered. The amendment was rejected.

The joint resolution then passed by the following vote :

YEAS—Messrs. Anderson, Barziza, Brown of Gregg, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Freeman, Gellatly, Harrison, Hayes, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lea, Lindsey, Manning, Massey, Matthews, McCuiston, Middleton, Miller, Oxsheer, Patterson, Price, Rogers, Sadler, Sayers, Schmidt, Scott, Smith

of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Watts and Wortham—51.

NAYS—Mr. Speaker, Abner, Ballard, Beck, Brown of Harrison, Eastland, Epperson, Galvan, Harris, Henderson of Kendall, Linn, Mitchell, McLeary, Meissner, Murphy, O'Neal, Patrick, Reeves, Roberts, Von Biberstein and Walker—21.

On motion of Mr. Delany, Senate bill No. 404, prescribing the times of holding the District Courts in the Twenty-ninth Judicial District, and repealing all other acts in conflict with this act, was taken up, read first time, rules suspended and read second time.

Mr. Delany offered the following amendment: Strike out the last two words of section four and insert in lieu thereof "the fourteenth day of May, 1874." The amendment was adopted.

On motion of Mr. Delany, the rules were further suspended, the bill was read third time by caption and passed.

On motion of Mr. Sayers, the reading of the journal of yesterday was dispensed with.

Reports from Committee on State Affairs:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on State Affairs, to whom was referred Senate bill No. 79, "An act to regulate the conduct of public officers in certain cases," have had the same under consideration, and I am instructed by the committee to report the same back with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The bill having been read second time, the report was adopted, and the bill passed to third reading.

On motion of Mr. Sayers, the rules were suspended and the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred the resolution of the Hon. Mr. Bean, of Montague, of March 8, and also, joint resolution No. 26, requiring the Secretary of State to furnish the county of Hays with Texas Reports from volume first to twenty-fifth, supplement of said reports, have had the same under consideration, and I am instructed by the committee to report the

accompanying bill back in compliance with said resolution, and also as a substitute for said joint resolution No. 26, and to recommend the passage of the same.

W. B. SAYERS, Chairman.

The substitute, being a bill to authorize and require the Secretary of State to distribute certain books and documents, was read, the report adopted and the bill ordered engrossed.

On motion of Mr. Sayers, the rules were further suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred Senate bill No. 943, "An act to regulate the quarantine of cities, towns and villages, in the interior of the State," have had the same under consideration, and I am instructed by the Committee to report the same back, with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The bill was read second time, the report was adopted, and the bill passed to third reading.

Mr. Triplett moved to reconsider the vote passing the bill to third reading.

Mr. Smith, of Grimes, moved to lay the whole matter on the table, which carried by the following vote :

YEAS—Messrs. Abner, Anderson, Bean, Brown of Gregg, Brown of Harrison, Bruce, Cain, Chambliss, Denman, Douglass, Easley, Edwards, Foote, Freeman, Gellatly, German, Harrison, Hart, Henderson of Smith, Jenkins, Kemble, Lea, Manning, Massey, Matthews, Middleton, Murphy, O'Neal, Oxsheer, Patrick, Patterson, Rogers, Rosborough, Roberts, Sadler, Smith of Grimes, Stephens, Triplett, Walker, Watts and Wortham—41.

NAYS—Mr. Speaker, Ballard, Barziza, Delany, Eastland, Epperson, Galvan, Harris, Henderson of Kendall, Lawhon, Lindsey, Mitchell, McLeary, Meissner, Sayers, Schmidt, Scott, Smith of Travis, Storey, Stuart of Falls and Von Biberstein—21.

Mr. Denman moved to take up House bill No. 231, to incorporate the Galveston Cotton Exchange, pending a motion to reconsider the vote postponing it to the next session of the present Legislature.

The bill was taken up, the vote reconsidered, and the bill laid on the table subject to call.

The special order was announced: House bill No. 521, "An act supplemental to an act entitled 'an act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same.

Mr. Wortham asked leave for the Committee on Printing and Contingent Expenses to submit a special report, ordered to be made to-day.

The House declined to admit the report.

Mr. Simpson moved to postpone the special order to Friday, May 1, 1874, 11 A. M., and make it special order for that hour, which carried.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on State Affairs, to whom was referred Senate bill No. 141, "An act to organize unorganized or disorganized counties within the State of Texas," have had the same under consideration, and instruct me to report it back and recommend its passage.

W. B. SAYERS, Chairman.

The bill was read second time and the report adopted.

Mr. McLeary offered the following amendment: "Add to section five, 'provided, that this act shall not apply to the organization of counties organized by special act of this term of the Legislature.' "

The amendment was adopted, and the bill passed to third reading.

On motion of Mr. Reeves, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred a bill, entitled "An act imposing a tax on dogs, and fixing a penalty for its non-payment," being House bill No. 474, having considered the same, instruct me to report the same back and recommend that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted, and the bill indefinitely postponed.

Mr. Triplett moved to suspend the rules, and take up Senate bill No. 36, to extend the time for the construction of works of internal improvements.

The motion carried, and the bill was taken up.

On motion of Mr. Kessler, it was postponed to Monday, May 27, 10 A. M., and made special order for that hour.

*Hon.*Guy M. Bryan, Speaker of the House of Representatives :*

Your Committee on State Affairs, to whom was referred House bill No. 501, entitled "An act to amend section three of an act entitled 'an act to provide for the registration of births,'" approved May 3, 1873, having considered the same, instruct me to report it back and recommend its passage.

SAYERS, Chairman.

The bill was read second time and the report adopted.

Mr. Anderson moved to amend section one by striking out "twelve months" and inserting in lieu thereof "twenty-one years." The amendment was adopted.

Mr. McLeary moved to lay the bill on the table. Lost.

Mr. Swain moved to indefinitely postpone the bill.

Mr. McLeary moved to postpone the bill until the first Monday of the next session of the present Legislature. Lost by the following vote :

YEAS—Messrs. Anderson, Cain, Denman, DeMorse, Donald, Eastland, Galvan, Harris, Johnson, Lawhon, Lindsey, Massey, McLeary, Patterson, Rogers, Smith of Grimes, Stephens, Stewart of Montgomery, Swain and Watts—20.

NAYS—Messrs. Abner, Ballard, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Cardis, Chambliss, Cochran, Douglass, Easley, Edwards, Epperson, Foote, Freeman, German, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Kemble, Kessler, Linn, Manning, Matthews, McCuiston, Mitchell, Meissner, Middleton, Murphy, O'Neal, Oxsheer, Patrick, Pickett, Reeves, Roberts, Sayers, Schmidt, Smith of Travis, Storey, Walker and Wortham—46.

Mr. Storey moved to amend by striking out "years" after "twenty-one," and inserting in lieu thereof "months."

Mr. Denman moved the previous question, which was seconded, and the main question ordered.

The amendment was adopted. The bill was ordered engrossed.

On motion of Mr. Denman, the rules were suspended and the bill was read third time.

Mr. Cochran offered as a substitute therefor a bill to repeal "An act to provide for the registration of births," approved May 3, 1873, which was read. The House refused to adopt the substitute.

Mr. Galvan offered the following amendment: "Amend by adding 'that no penalty be enforced until after each family have three babies.'"

Mr. Sayers moved to lay the amendment on the table, which carried. The bill then passed.

On motion of Mr. Swain, the reports from the Committee on State Affairs were temporarily passed over, and the motion to reconsider the vote adopting the resolution providing for three sessions daily was called up. The vote was reconsidered. That part of the resolution providing for night sessions was stricken out, and the resolution thus amended adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 239, "An act to encourage the planting and growing of forest and fruit trees," have had the same under consideration, and instruct me to report the accompanying substitute, with the recommendation that it do pass.

W. B. SAYERS, Chairman.

The bill was read second time and the report adopted.

Mr. McLeary moved to lay the bill on the table to await the regular order, and that one hundred copies be printed, which carried.

A message from the Senate announced that that body had concurred in the House amendments to Senate bill No. 105, "An act to amend 'an act to incorporate the Austin and Pacific Short Line Railroad Company,'" passed May 30, 1873; also, in the House amendments to "An act to define the land districts of Palo Pinto, Jack, Clay, Young and Eastland, and to make valid the surveys and locations made therein;" also, in the House amendments to Senate bill No. 127, "An act to improve the navigation of the Sabine, Neches and Angelina rivers, and Pine Island Bayou, in the State of Texas;" and that the Senate had adopted the House concurrent resolution to ascertain and report to the next session of the Legislature the legislation necessary

to the protection of the sanitary interests of the State, and had appointed Senators Westfall, Trolinger and Joseph a committee thereon to meet the like committee on the part of the House.

On motion of Mr. Helton, the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Bean, Farrar, Freeman, Miller, Price, Reeves, Stuart of Falls, and Swain.

On motion of Mr. Foote, Mr. Reeves was excused for the evening on account of sickness.

On motion of Mr. Easley, Messrs. Price and Miller were excused for the evening on account of important business.

On motion of Mr. Beck, Mr. Freeman was excused for the evening on account of sickness.

On motion of Mr. German, Mr. Bean was excused for the evening on account of sickness.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House bill No. 444, entitled "An act granting pensions to Mrs. Julia Hall and Sarah A. Wharton," having considered the same, instruct me to report the same back for the action of the House, there being not sufficient evidence before the committee upon which to base a report either favorable or adverse.

SAYERS, Chairman.

The bill was read second time, the report received and the bill ordered engrossed.

On motion of Mr. Smith, of Grimes, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on State Affairs, to whom was referred House bill No. 446, "A bill to create the office of State Mechanical Inspecting Engineer, and to fix the salary and prescribe the duties of the same," have had said bill under consideration, and instruct me to report it back with the recommendation that it be indefinitely postponed.

W. B. SAYERS, Chairman.

The report was adopted, and the bill indefinitely postponed.

To the Hon. the House of Representatives, of the Fourteenth Legislature :

The Committee on State Affairs, to whom was referred House bill No. 465, a bill to be entitled "An act to amend section two of an act to regulate the practice of medicine," passed May 16, 1873, have had the same under consideration, and I am instructed to report it back, with the recommendation that it be referred to a special committee, composed of Messrs. Foote, Matthews and Stewart of Montgomery.

W. B. SAYERS, Chairman.

The report was adopted and the reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House bill No. 479, "An act making deduction from the salaries of public officers in certain cases," have had the same under consideration, and instruct me so report the bill back with the recommendation that it be indefinitely postponed.

W. B. SAYERS, Chairman.

The report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House bill No. 336, a bill to be entitled "An act incorporating the Red River and Texas Real Estate and Banking Company," have had said bill under consideration, and believing such legislation is now inhibited by the Constitution, and that the object sought to be accomplished can be accomplished under existing laws, I am instructed by the committee to report the same back with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted and the bill indefinitely postponed.

Report from Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 501, "An act to amend section three of an act entitled 'an

act to provide for the registration of births,' approved May 3, 1873;" also House bill No. 522, "An act to authorize and require the Secretary of State to distribute certain books and documents," and also House amendments to Senate bill No. 77, "An act to authorize the county courts to sell the public school lands belonging to their respective counties," and find each correctly engrossed.

L. J. STOREY, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State affairs to whom was referred House bill No. 319, a bill to be entitled "An act to provide for the registration of births and deaths," have had the same under consideration, and I am instructed to report the bill back with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred House bill No. 329, "An act to regulate the rate of toll of public mills," have had said bill under consideration, and I am instructed to report the same back with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted, and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred Senate bill No. 165, "An act to provide for a special registration of voters, in any unorganized or disorganized counties within the State of Texas," have given the same a careful investigation, and recommend its passage.

W. B. SAYERS, Chairman.

The bill was read second time, the report adopted and the bill passed to third reading.

On motion of Mr. Sayers, the rules were suspended, the bill was read third time and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House bill No. 337, a bill to be entitled "An act to provide for the erection of two new States within the jurisdiction of the State of Texas," have had the same under consideration, and I am instructed by a majority of the Committee to report said bill back with the recommendation, that it do not pass. W. B. SAYERS, Chairman.

The report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on State Affairs, to whom was referred House bill No. 339, "An act to establish the University of Texas," have given said bill a careful consideration, and believing that the subject is fully provided for by an existing law, have instructed me to report the same back with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on State Affairs, to whom was referred House bill No. 393, "An act to incorporate the Merchants and Planters Bank," have had the same under consideration, and, inasmuch as the object sought to be attained can be accomplished under general existing laws, instruct me to report the same back, and recommend that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted, and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on State Affairs, to whom was referred House bill No. 366, "An act to provide for the publication of all General Laws as soon as passed," have had the same under consideration, and instruct me to report said bill back with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted, and the bill indefinitely postponed.

On motion of Mr. Smith, of Travis, Messrs. Barziza, Hayes, Simpson and Cochran were excused for the remainder of the evening to meet a Senate Committee on business of the two Houses.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on State Affairs, to whom was referred House bill No. 392, "An act to amend sections one and eight of an act entitled 'an act regulating elections,' " approved March 31, 1873, have had the same under consideration, and instruct me to report said bill back with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted, and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on State Affairs, to whom was referred House joint resolution No. 29, authorizing and directing the Secretary of State to purchase one hundred and thirty copies of Sayles' Constitution, and making an appropriation therefor, have had the same under consideration, and as the present session of the Legislature is fast coming to a close, instruct me to report the same back with the recommendation that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted, and the joint resolution indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Committee on State Affairs, to whom was referred House bill No. 412, entitled "An act to protect the public against nuisances," have had the same under consideration, and instructed me to report it back and recommend that it do not pass.

W. B. SAYERS, Chairman.

The report was adopted, and the bill indefinitely postponed.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House bill No. 286, "An act to provide artificial legs and arms to citizens of the State of Texas, who lost their limbs, or any of them, during the late civil war," having considered the same, instruct me to report it back and recommend the passage of the following joint resolution relating to those persons who lost limbs during the late civil war, being residents of Texas. W. B. SAYERS, Chairman.

The joint resolution was read, adopted, and ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the joint resolution was read third time and passed.

Report from the Committee on Enrolled Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 489, entitled "An act to extend the provisions of House bill No. 16, entitled 'an act to encourage stock raising and for protection of stock raisers,' to the counties of Liberty, Orange, Chambers and Jefferson ;" also, substitute Senate for House bill No. 6, entitled "An act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, 1873, and to provide for the payment of the same ;" also, House bill No. 383, entitled "An act to amend an act entitled 'an act to authorize the county court of Comanche county to issue bonds in the name of said county for the purpose of erecting public buildings, and fund the present indebtedness of said county ;" also, House bill No. 432, entitled "An act validating the authentication and registration of certain instruments of writing," and presented the same to the Governor for his approval, this, the twenty-fifth day of April, 1874, at 3:20 P. M. o'clock.

G. B. PICKETT, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House bill No. 497, entitled "An act to establish the rules for keeping the county surveyors' offices," having consid-

ered the same, instruct me to report it back and recommend its passage, and that one hundred copies be printed.

SAYERS, Chairman.

The report was adopted, the order for printing made, and the bill passed to the orders of the day.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House joint resolution No. 35, entitled "Joint resolution making an appropriation of one hundred dollars to shelve the west end of the library room," having considered the same, instruct me to report it back and recommend it to be referred to the Committee on Finance, and to be included in the general appropriation bill.

SAYERS, Chairman.

The report was adopted and reference made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House bill No. 472, "An act to give State aid in the removal of rafts and other obstructions from the Guadalupe and San Antonio rivers," would report that they have carefully examined the same and respectfully recommend its passage.

W. B. SAYERS, Chairman.

The bill was read second time and the report adopted.

Mr. Lawhon moved to amend by striking out "twenty sections" and inserting in lieu thereof "eight sections." The amendment was adopted and the bill ordered engrossed.

On motion of Mr. Denman, the rules were suspended, the bill was read third time by caption, and passed by the following vote :

YEAS—Mr. Speaker, Anderson, Ballard, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Denman, Donald, Easley, Eastland, Edwards, Epperson, Galvan, Gellatly, Harris, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, McLeary, Murphy, Oxsheer, Patrick, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Stew-

art of Montgomery, Swain, Triplett, Von Biberstein, Walker, Watts and Wortham—52.

NAYS—Messrs. Bruce, Cain, Foote, Hart, Hayes, Kemble, Matthews, McCuiston, Mitchell, Meissner and Middleton—11.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared House bill No. 444, "An act granting pensions to Mrs. Julia Hall, widow of the late Colonel W. D. C. Hall, and to Mrs. Sarah A. Wharton," and find the same correctly engrossed. L. J. STOREY, Chairman.

Mr. Denman moved to reconsider the vote postponing House bill No. 521, "An act supplemental to an act entitled 'an act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same,'" until Friday, May 1, 1874, and asked that the motion be spread upon the journal, which was ordered.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred Senate bill No. 99, "An act to regulate pawnbrokerage," have had the same under consideration, and instruct me to recommend the passage of said bill.

W. B. SAYERS, Chairman.

The bill was read second time, the report adopted, and the bill passed to third reading.

On motion of Mr. Murphy, the rules were suspended, the bill was read third time by caption and passed.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on State Affairs, to whom was referred a "Memorial of and bill for the relief of Mrs. S. Burnham," being House bill No. 487, having considered the same, and finding that it relates to alleged claims for services as matron of the State Lunatic Asylum, instruct me to report it back with the recommendation that it be referred to the Committee on the State Lunatic Asylum.

W. B. SAYERS, Chairman.

The report was adopted and reference made.

Mr. Triplett asked that the Committee on Counties and County Boundaries, be allowed to report House bill No. 509, "An act to provide for the locating of county seats in such counties of the State as are without county seats." Leave was granted and the following report submitted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee to whom was referred House bill No. 509, a bill to be entitled "An act to provide for the locating of county seats in such counties of the State as are without county seats," have had the same under consideration, and I am instructed by a majority of said Committee to report the bill back and recommend its passage.

BROWN, of Gregg, Chairman.

The report was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Denman, the rules were suspended, the bill was read third time by caption and passed.

House bill No. 308, regulating the appointment of officers for the various asylums of this State, was taken up, pending a motion to suspend the rules to put the bill on its third reading. The bill was read third time.

Mr. Triplett offered the following amendment: Strike out the enacting clause.

Mr. Swain offered the following additional sections:

Section 3. That in addition to an ordinary scholastic education, the Governor is authorized to obtain in such manner as he may think proper, instruction for the pupils educated at public expense, in the mechanic arts and handicraft; any compensation arising or accruing for such service, in excess of the cost of the same, shall inure to the State.

Sec. 4. That in order to perfect the object mentioned in the above section, the Governor is hereby authorized to appoint a second assistant superintendent, who shall be subject to the same authority as the superintendent, and receive an equal salary.

On motion of Mr. Rosborough, the pending business was temporarily postponed, and the following report was submitted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 335, "An act to provide for the safekeeping of the furniture and fixtures belonging to the public halls of the Capitol, the Public Library, and to provide for the improvement of the capitol grounds and State Cemetery," have had the same under consideration, and recommend that the following amendments be adopted, and that the bill with the amendments do pass.

D. D. ROSBOROUGH, Chairman.

Section three, strike out all after word "cemetery" in fourth line.

Section five, second line, after word "gates" insert words "and fences."

Section seven, seventh line, strike out all after the word "labor."

Section eight, shall read as follows: Section eight, in bill shall be changed to section nine.

Section 8. That the Comptroller is hereby authorized to draw his warrant on the Treasurer of the State of Texas, for any of the money herein appropriated upon the presentation by the appointee aforesaid on itemized vouchers, specifying what labor has been employed, also what work has been done, and the amount to be paid therefor; also, what materials may have been purchased, which vouchers must be verified by the affidavit of the appointee aforesaid.

The amendments were adopted *seriatim*, and the bill passed to third reading.

On motion of Mr. Rosborough, the rules were suspended, the bill was read third time by caption, and passed by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Denman, Donald, Douglass, Easley, Eastland, Epperson, Foote, Galvan, Gellatly, German, Harris, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Kemble, Kessler, Lawhon, Lindsey, Linn, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Middleton, Murphy, Oxsheer, Patrick, Reeves, Rogers, Rosborough, Roberts, Sayers, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens,

Storey, Stewart of Montgomery, Swain, Triplett and Wortham—60.

NAYS—Messrs. Patterson and Watts—2.

On motion of Mr. Storey, Senate bill No. 408, to amend section thirty-nine of an act entitled "An act to encourage stock raising, and for the protection of stockraisers," approved March 23, 1874, was taken up and read first time.

On motion of Mr. Sayers, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Storey, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Brown, of Harrison, Mr. Abner was granted leave of absence until Friday next.

On motion of Mr. Smith, of Grimes, the House adjourned.

EIGHTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 27, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Leave being granted, upon his motion, Mr. Stewart, of Montgomery, submitted the following resolution:

Resolved, That Messrs. S. L. Chambliss and W. A. Wortham be and they are hereby appointed a Committee with full power and authority, to investigate and to cause to be investigated, the purchases, payments, disbursements and accounts of the Educational Department of the Government, made prior to January 15, 1874, and to examine into all matters and instances in relation to supposed frauds committed against the State; to call for persons and papers, to administer oaths and to take testimony, and to employ competent assistance in aid of these objects, and thereof make their due report to the next session of the Legislature.

The resolution was adopted.

Mr. Galvan moved a reconsideration of the vote adopting the resolution, which was ordered spread upon the journal.

Mr. Stewart, of Montgomery, from the Special Committee appointed to investigate the State Penitentiary, sub-

mitted the following report, which was received and ordered to be spread upon the journal.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

In accordance with the resolution of the House, passed . . . day of January, 1874, we have visited the State Penitentiary at Huntsville, Texas, and beg leave to submit the following report :

The convict is the ward of the State, and as such comes directly into the care of the Legislative and Executive Departments of the State.

We have been very thorough in our examination of the condition of the convicts in our State Penitentiary, and find each and all provided with everything necessary to the bodily comfort and welfare of a human being. They are well clad, much better fed than the majority of the laboring classes outside the walls ; have clean, comfortable sleeping places, warm bed clothing, and all the nursing and medical attendance when sick, possible in a well regulated hospital, fitted up and amply provided.

The clothing is made within the walls, and is so adapted in its quality to the different seasons as to be comfortable. Aside from these necessities the convicts are furnished to some extent with books, papers, and such school paraphernalia as they need. Each Sunday they have an opportunity to communicate by letter to their friends, or make such statements to the Executive as they may desire ; and all such letters or statements are mailed by the lessees each Monday. They have religious teaching at the hands of the chaplains each Sunday.

As far as we could observe for ourselves and learn from other sources, the system of treatment is that which appeals directly to the self-respect of these convicts, to the manhood of each, and in which physical coercion or brute force has no share more than is necessary for the strict enforcement of a just discipline. The system admits of no unnecessary pain, nor does it recognize any studied imposition of degradation as a part of punishment. The convict makes his burden light or heavy of his own option. This system so in contrast with old principles of punishment of crime, has resulted here in the success, which has made the Texas State Penitentiary second to none in the land.

There are natures hard to control, and these are made the peculiar objects of this better principle; but when it is found actually necessary to enforce discipline, punishment is inflicted. In this too, there seems to be system; there is a central, controlling authority, nothing left entirely to the discretion of passionate employees. Good conduct meets with personal commendation, and a premium is awarded thereto in the shape of more privileges; a recommendation to clemency, a commutation of sentence, and a helping hand when once free.

The men employed by the lessees as foremen of the workshops, have no power to inflict punishment, (that being the duty of the officers); their duties being the proper control of the labor assigned them. We have met these gentlemen (foremen) and find them intelligent, possessed of discretion and good judgment, skilled workmen, and uniform in kind treatment to those under them.

The accompanying report of the Inspector, covering the year 1873, furnishes the statistics necessary to explain the numbers, labor, loss and gain in and about the institution; and the transcript from the prison books, accompanying this report, shows the financial statement called for in the resolution of the House.

In addition to the above statistics we report, that diligent inquiry on our part, shows that the system of hiring convict labor to the citizens of Walker county as house servants or farm laborers, is much desired by these citizens. It supplies the place of immigration, that does not come there to locate, and furnishes them with a reliable labor system. The only complaint made to your Committee by these citizens, has its source in the habit of discharged convicts, especially colored, stopping in and about the town of Huntsville, spending the money given to each one by the lessees, \$20 each, in riotous living, to the discomfort of peaceable citizens. The lessees have no control of this matter, and it can only be reached by statutory enactments.

In the matter of buildings, your Committee report, that they have been careful to examine this feature, with the same degree of minuteness accorded other departments, and find nothing approximating extravagance or waste. In fact the improvements made are yet inadequate to the wants of the institution, and as the limit to these will have been reached by the completion of those now in active progress, we take this opportunity to state, that in our

opinion, branch penitentiaries, should be built at once, as a provision against the very probable increase of criminals, an increase which cannot be provided for at Huntsville. We think that the work of building another penitentiary, should occupy this increase, and whatever number, could be taken from the institution at Huntsville. There are objects gained by this plan, worthy the serious consideration of your Honorable Body. First, the labor is cheap; second, it would relieve the undue strain upon the present institution and render it better adapted to the classification of the convicts, the first step to any permanent reform in a prison; third, it would conduce to the sanitary condition, as also relieve the anxiety of the public, who have some fears of the aggregate power of so many convicts; fourth, it would retrench in the payment of transportation of convicts in an annual sum almost sufficient to build a new penitentiary.

The keeping capacity of this institution is about five hundred and fifty, yet the records show a little over twelve hundred. To meet this, the lessees have been obliged to find outside work, have had to purchase tracts of land, etc., to furnish this excess, employment.

We find that the only expensive building connected with the penitentiary, is that intended for the residence of Maj. Ward, one of the lessees, built on private grounds, and by private funds, and of no charge to the State.

Very little ground adjacent to the penitentiary has been purchased in the interest of the institution, and this as a needed protection of the State. Whatever ground has been attached to the institution, or streets changed, has all been done, with the legal sanction of the corporation of Huntsville, the corporation binding the lessees to certain conditions, and the lessees fulfilling them. In consideration of any doubt about the legality of the act of the corporation in making said sale, and in order to protect the interest of the State in the premises, we suggest that an act, legalizing the action of the corporation be passed.

In concluding our report, we wish to say in a general way, that we have taken pleasure in stating the facts set forth herein, and have been highly gratified with our visit to the institution. We have had no occasion to send for persons or papers, except by courteous invitations. The reports attached were furnished by the lessees, their books

and records, laid before your Committee, and everything in detail made plain and satisfactory.

Enjoying the most ample opportunity of witnessing the present management, accorded by the lessees, and the citizens of Huntsville generally, we must say that we find nothing to warrant a proposition for a change, or to impair our confidence in the character or ability of the gentlemen composing the firm of lessees, Messrs. Ward, Dewey & Co. Comparing this with other prisons of which we have information, we unhesitatingly affirm, that the State penitentiary at Huntsville, compares more than favorably with those in older States in features of discipline, reformation, method and management, and much beyond them in a pecuniary sense. Our tax payers are thereby relieved of an immense burden, and the institution yields a revenue to the State.

C. B. STEWART, Chairman,

P. S. WATTS,

H. MANNING.

In addition, Committee approved a statement showing the regulations established by the lessees in regard to the particulars named; and an extract from a letter addressed to the lessees by the committee in relation to the profitable employment of convict labor in manufacturing, as a means of saving the tax payers of the State from the expenses of supporting the institution.

Hours at the Prison.—The prisoners leave their cells, for the shops, at six o'clock A. M. in the summer, and an hour later in winter.

They assemble in the dining hall for breakfast, at 9 o'clock.

Dinner is served in the dining hall at half past two o'clock, and supper about sundown, from which they go to their cells.

Sunday prisoners are shaved, put on clean clothing, write letters, read, attend church, and have the entire day to rest.

In the Shops.—The prisoners in the shops, work under the instruction of a competent foreman, whose orders forbid any partiality, and each one may learn the trade at which he works if he chooses. At the entrance to the prison, the prisoner is allowed a choice of trade, which he makes in his answer to the question of the lessees, "what trade have you?" or "what do you wish to work at?"

Seeing Friends.—The friends of those confined in the prison can visit them at all ordinary times, and have the privilege of bringing them winter or summer under clothing, fruit, tobacco, books, papers or any other like matters,

which will contribute to the physical comfort or moral welfare of these prisoners.

Overwork.—The system of pay for overwork, has already been introduced by the lessees among the prisoners on the railway, and will be applied in the prison as soon as the work can be systematized more thoroughly.

Letters to Convicts.—All letters to the convicts in the State Penitentiary, should be addressed to them, care of Ward, Dewey & Co., Huntsville.

Every letter so addressed, will be given to its owner, on the Sabbath morning following its receipt at the office.

Money or other valuables sent in letters, or by express, will be put to the credit of the convict, and if the convict so wishes, it will be expended in the purchase of tobacco, under clothing, or other necessities of this nature. Otherwise it will be kept in the office, and given to him at his discharge.

Every convict who desires can write one Sunday in each month. If they have business of importance to transact, they are allowed every opportunity for that purpose.

Paper, envelopes and stamps are furnished each one wishing to write.

Letters are regularly mailed on each Monday.

A long experience in the management of prisons, convinces us that letters from home and friends accomplish much towards inducing reformation in those confined in these institutions.

This is especially true with those young in years, and crime, in whom there is yet a strong love for the better scenes of a better life.

Write them long letters, letters full of home, and neighborhood news, letters full of earnest thoughts and desires for their future welfare.

HUNTSVILLE, February 18, 1874.

Messrs. Ward, Dewey & Co., Lessees State Penitentiary, Huntsville:

GENTLEMEN—We have witnessed with great satisfaction, as a committee appointed by the Legislature, and in an individual sense, the successful operation of the method and system of management introduced by you into the Penitentiary.

This system appears to us to be as thorough and comprehensive in its outlines, as practical in its details, and in

each several part it appears to us to be as perfect and successful as could be desired.

We see the convicts well fed, clothed, ordered and obedient, with cheerful expression in their faces, working and performing the labors and duties assigned them with surprising method, regularity and willingness. This is not only apparent, but we see that everything throughout the entire penitentiary is working in its appropriate place, and in so quiet a manner that we hear no harsh expressions to the convicts from the guards, officers, or the foremen of the different departments. We see in these guards, officers and foremen, that propriety of conduct always necessary in an institution of this nature.

Seeing all this, and the pecuniary success that has followed the method, we are satisfied that other penitentiaries can be established and conducted with equal beneficent results to the convicts thereof, and to those who may employ convict labor, and that without any cost to the State for maintenance.

It is desirable that the knowledge we as individuals, or a committee, have gained in our examination of the penitentiary, should be generally known, and especially to those who exercise the important trust of legislating for the State, to the end that due and early legislation may be had toward the establishment of the penitentiaries already so much needed in other sections of the State.

From the large and constantly increasing annual influx of population, from natural accretion, and from the disordered condition of our vast frontier, there is an increasing supply of this convict labor, which may be, as shown by your example, profitably applied by enterprise and capital.

So far as we understand the subject, penitentiaries afford the only practical means by which the tax payers can be saved the heavy and constantly enlarging expenses of building massive and secure county jails, and of feeding and clothing the large number of convicts that each county would be compelled to maintain.

The success and profitable results attained by your method and system of operating convict labor, demonstrates and proves conclusively, that under a like method and system, convict labor may be applied in other penitentiaries in the State with equal regard to the comfort of the convicts and equal pecuniary profit to those employing it.

Mr. Stewart, of Montgomery, presented the following report from the Committee on Sanitary Legislation:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Sanitary Legislation, appointed to ascertain and report to the next session of the Legislature what legislative measures may be necessary in the sanitary interests of the country, now here makes report of its organization and the respective address of its members. They also ask the passage of the following resolution to enable them more effectually to discharge the duties with which they are charged, to-wit :

Resolved, That the Committee on Sanitary Legislation be and it is hereby authorized to address requests in the name of the State, by publication or otherwise, to the professors of the Medical College at Galveston, to the Health officers of that city, and of Houston city, and other cities of the State, to the medical profession throughout the State, to the Board of Health recently organized by the Medical Convention held at Dallas, Texas, and to the appropriate authorities and societies of the other States, and in Europe, for such information in sanitary interests as they may be pleased to afford to the committee for the use of the State.

2. That said committee be authorized to procure for the use of the State the current works and publications in regard to the origin, character and immediate or exciting causes of disease, and in relation to the means of preventing and arresting epidemic and other diseases.

DR. WILLIAM R. WESTFALL, President,
Residence—Liberty Hill, Williamson county, Texas.

DR. W. H. TROLINGER,
Residence—Whitesborough, Grayson county, Texas.

HON. THOMAS M. JOSEPH,
Residence—Galveston, Texas.

DR. G. A. FOOTE,
Residence—McKinney, Collin county, Texas.

DR. G. W. MATTHEWS,
Residence—Garden Valley, Smith county, Texas.

DR. A. K. MIDDLETON,
Residence—Johnson Station, Tarrant county, Texas.

HON. W. P. DELANY,
Residence—Columbus, Colorado county, Texas.

DR. C. B. STEWART, Secretary,
Residence—Montgomery, Montgomery county, Texas.

DR. A. M. DOUGLASS, Covington, Hill county, Texas.

The resolution was adopted.

Mr. Stewart, of Montgomery, also presented the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on the State Penitentiary, to whom was referred the petition of Messrs. Carlisle P. P. Martin, Philmer C. Archer, and John T. Poe, chaplains, and of Messrs. J. W. Bush, Thomas J. Goree, and Benjamin W. Walker, directors of said penitentiary, praying an appropriation of five hundred dollars towards purchasing a library for the use of the convicts confined therein, have duly considered the same. The petition very forcibly and feelingly sets out the beneficial and reformatory influences exercised upon the convicts in other public prisons in the United States, from supplying to them libraries of moral and useful works; also showing that the limited supply of books furnished by benevolent persons to the inmates of this penitentiary has been attended with marked good effects upon their conduct and deportment. It further appears that the lessees of the penitentiary have devoted the fees incoming to them from persons visiting the penitentiary, amounting annually to some two hundred dollars, to the same beneficial purpose. This sum, however, proving insufficient to procure the requisite number of books, the petition asks for this additional aid. The committee unanimously report a bill granting the petition, and respectfully ask the favorable action of the House thereon.

C. B. STEWART, Chairman,

E. C. STUART,
TILLMAN SMITH,
C. S. JENKINS,
H. MANNING,
W. M. OXSHEER,

E. F. SCHMIDT,
J. M. HARRISON,
W. L. DENMAN,
M. H. McCUISTON,
J. K. HELTON.

The bill, being a bill appropriating five hundred dollars to buy a library for the penitentiary, was read first time by caption and passed to the orders of the day.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills have carefully compared and find correctly engrossed the following House

bills, to-wit: House bill No. 472, "An act to give State aid in the removal of rafts and other obstructions from the Guadalupe and San Antonio rivers." House bill No. 509, "An act to provide for the locating of county seats in such counties of the State as are without county seats," and also House joint resolution No. 286, "relating to those who lost limbs during the late civil war, being residents of Texas." L. J. STOREY, Chairman.

On motion of Mr. DeMorse, Mr. O'Neal was granted leave of absence for six days beginning Wednesday next.

On motion of Mr. Lawhon, Mr. Linn was excused for the day on account of sickness.

The journal of Friday was read, corrected and adopted.

The journal of Saturday was read and adopted.

Leave being granted, Mr. Epperson introduced a bill supplemental to "An act to provide for the sale of bonds to pay the public debt," approved April 13, 1874, which was read first time.

On motion of Mr. Epperson, the rules were suspended, the bill was read second time and ordered engrossed.

On motion of Mr. Epperson, the rules were further suspended, the bill was read third time and passed.

Leave being granted, Mr. Foote submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Special Committee to whom was referred House bill No. 465, a bill to be entitled "An act to amend an act to regulate the practice of medicine in this State, passed May 16, 1873, have had the same under consideration and would recommend that the bill be postponed until the meeting of the next session of the Fourteenth Legislature.

G. A. FOOTE, for Committee.

The report was adopted.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 357, entitled "An act to authorize the issuance of land certificates to the heirs of those who fell in the Dawson massacre in A. D. 1842," also House bill No. 440, en-

titled "An act to amend 'an act prescribing the times of holding the district courts in the several Judicial Districts of the State,'" approved August 10, 1870, and presented the same to the Governor for his approval this the twenty-seventh day of April, 1874, at 10:10 o'clock A. M.

G. B. PICKETT, for Committee.

Senate bill No. 136, to extend the time for the construction of works of internal improvements, was taken up, being special order for the hour, pending the refusal of the Senate to concur in the second amendment thereto by the House, striking out the proviso in the last clause of section one.

Mr. Watts moved a call of the House, which was seconded. Absent—Messrs. Delany, Farrar, Matthews and O'Neal.

On motion of Mr. Sayers, the call was suspended.

The House receded from the amendment by the following vote:

YEAS—Messrs. Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Cochran, Denman, Donald, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Harrison, Helton, Jackman, Johnson, Lea, Lindsey, Manning, Mitchell, Murphy, Oxsheer, Patrick, Patterson, Pickett, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Triplett, Walker, Watts and Wortham—49.

NAYS—Mr. Speaker, Bean, Bruce, Cain, Chambliss, DeMorse, Douglass, Easley, Gellatly, German, Harris, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jenkins, Kemble, Kessler, Lawhon, Massey, McCuiston, McLeary, Meissner, Middleton, Miller, Nicholson, Price, Stuart of Falls, Swain and Von Biberstein—30.

Mr. Reeves moved to reconsider the vote just taken, and to lay that motion on the table, which motion carried by the following vote:

YEAS—Messrs. Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Cochran, Denman, Donald, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Harrison, Helton, Henderson of Smith, Jackman, Johnson, Lea, Lindsey, Manning, Mitchell, Miller, Murphy, O'Neal, Oxsheer, Patrick,

Patterson, Pickett, Reeves, Rogers, Rosborough, Roberts, Sadler, Sayers, Schmidt, Scott, Smith of Travis, Stephens, Storey, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, Walker, Watts and Wortham—52.

NAYS—Messrs. Bean, Bruce, Cain, Chambliss, DeMorse, Douglass, Easley, Gellatly, German, Harris, Hart, Hayes, Henderson of Kendall, Jenkins, Kemble, Kessler, Lawhon, Massey, McCuiston, McLeary, Meissner, Middleton, Nicholson, Price, Simpson, Smith of Grimes and Von Biberstein—27.

Leave being granted, on motion of Mr. Eastland, the Committee on Claims and Accounts submitted the following reports :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Claims and Accounts, to whom was referred memorial of Mrs. Clemence Toby, with voluminous documents, purporting to be copies of claims of Thomas Toby, deceased, against the State of Texas, have given the same some consideration, and a majority of the committee instruct me to report that other pressing duties are such as to prevent your committee making a full and complete examination of the archives of the Comptroller's office, so as to enable them to arrive at any conclusion as to the correctness or validity of the claims. Your committee find in General Laws passed in 1854, "An act to provide for ascertaining the debt of the late Republic of Texas," approved March 20, 1848; same was extended until the first day of August, 1855, language of which is as follows : "And all claims of whatsoever character, which shall not be presented for adjustment to the Auditor and Comptroller on or before that day, *shall be forever barred.*" Your committee further believe ample provisions have been made for the fair adjustment of all meritorious claims against the late Republic of Texas, and in order that a full investigation may be had, your committee would recommend the adoption of the accompanying resolution.

JAMES EASTLAND, Chairman.

Be it Resolved by the House of Representatives of the Legislature of the State of Texas, That the Comptroller of Public Accounts and Treasurer of the State be and they are hereby instructed to furnish to this House, at its next

session, all information in reference to the claim of Thomas Toby that is on file in their respective offices.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Claims and Accounts, to whom was referred petition of George W. Davis for relief, have considered the same, and find the proof insufficient to entitle him to the relief sought. Your committee instruct me to report the same back, and recommend that it be not granted.

J. EASTLAND, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Claims and Accounts, to whom was referred petition of Wm. H. Moore for pension, believing that the existing pension law is sufficient in his case, would respectfully report said petition back to the House and ask to be relieved from further consideration of the same.

J. EASTLAND, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Claims and Accounts, to whom was referred petition of Wm. Little, asking relief, instruct me to report the same back to the House, and ask to be relieved from further consideration of the subject.

JAMES EASTLAND, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Claims and Accounts, to whom was referred joint resolution authorizing Comptroller to issue warrant to T. B. Roberts, instruct me to report the same back to the House, and ask to be relieved from further consideration during the present session of the Legislature.

JAMES EASTLAND, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Claims and Accounts, to whom was referred "petition of Jesse Burnam for relief," have had the same under consideration, and for want of sufficient proof, your committee are constrained to report the same back to the House and recommend that it be not granted.

J. EASTLAND, Chairman.

The report was adopted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Claims and Accounts, to whom was referred "petition of John H. Robinson for relief," instruct me to report the same back to the House, and ask to be relieved from further consideration of the subject.

JAMES EASTLAND, Chairman.

The report was adopted.

Mr. Wortham moved to suspend the rules and allow the Special Committee on the Ohio Liquor Law to make a report, which carried by the following vote :

YEAS—Mr. Speaker, Anderson, Bean, Beck, Brown of Gregg, Bruce, Cochran, Denman, DeMorse, Donald, Douglass, Eastland, Edwards, Epperson, Farrar, Freeman, Galvan, German, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Jackman, Kemble, Lindsey, Matthews, McCuiston, Murphy, Nicholson, O'Neal, Oxsheer, Patterson, Price, Rosborough, Roberts, Sayers, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Swain, Walker and Wortham—46.

NAYS—Messrs. Ballard, Barziza, Brown of San Saba, Cardis, Chambliss, Easley, Gellatly, Henderson of Kendall, Jenkins, Johnson, Kessler, Massey, Mitchell, McLeary, Meissner, Patrick, Rogers, Schmidt, Stewart of Montgomery and Von Biberstein—20.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Special Committee on the Ohio Liquor Law, to whom was referred special and separate bills providing against the sale of spirituous or intoxicating liquors within a certain distance of the places mentioned in said bills respectively, beg leave to report the accompanying substi-

tute for the whole, and recommend that said substitute do pass, and said committee ask to be discharged.

WM. A. WORTHAM, for the Committee.

The bill being a bill to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places, was read first time.

On motion of Mr. Wortham, the rules were suspended and the bill was read second time.

Mr. McLeary moved to amend by striking out Centreville, Kerr county. Carried.

Mr. Kessler moved to amend by striking out Lavernia, Wilson county, which carried.

Mr. Storey moved to strike out Leesburg, Gonzales county, which carried.

Mr. Swain moved to strike out Christian Union Church, Red River county, which carried.

Mr. Cochran moved to amend by inserting Lancaster Masonic Institute, Dallas county; Powell Dale, Bosque county; Merriltown, Travis county; Hopkins School-house, Raines county; Bristol, Ellis county; Forest Grove Church, Lamar county; Garden Valley, Smith county; Liberty Church, Milam county; Woodbury, Hill county; Evans' School house, Williamson county; Turner's Point Academy, Kaufman county; Fitzgerald School-house, Anderson county; Howard, Bell county; Sunshine, Bell county; Blossom Prairie Depot, Lamar county; Weston School-house, Weston, Collin county; Dresden School-house, Navarro county. This last named place to take effect after October 1, 1874.

The amendment was adopted.

Mr. Kessler offered the following amendment: Add, provided that this law shall not be in force in any of the above mentioned places three months prior to, and during any election.

Mr. Easley moved to lay the amendment on the table, which carried.

Mr. Denman offered the following amendment: "Provided this act shall not apply to any regular druggists who sell for medicinal purposes."

The amendment was lost. The bill was then ordered engrossed.

On motion of Mr. German, the rules were suspended and the bill was read third time.

Mr. Nicholson offered the following amendment:

This act shall take effect and be in force from and after the first day of January, 1875.

The amendment was adopted.

Mr. Cochran moved to amend by striking out after "Dresden school-house, Navarro county," "this last named place to take effect after October 1, 1874," which motion carried.

The bill then passed.

Mr. Sayers moved to suspend the rules, and take up Senate bill No. 162, to authorize the several counties of this State to raise means to pay their present indebtedness, which carried, and the bill was read second time.

Mr. Bean offered the following amendment: "In section one, after 'five hundred dollars,' insert 'or more.'"

The amendment was adopted, and the bill passed to third reading.

Mr. Sayers moved to suspend the rules, and put the bill on its third reading, which carried.

A message from the Senate announced the passage, by that body, of the following bills:

Senate bill No. 423, to authorize the Judges of the Seventh Judicial District, to hold a special term of the district court for the county of Marion.

Senate bill No. 370, to incorporate the Rusk Transportation Company.

Senate bill No. 421, to amend section seven of an act entitled "an act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, and to repeal the act of February 17, 1873, amendatory of the above entitled act.

Senate joint resolution No. 305, instructing our Senators and requesting our Representatives in Congress to aid in securing the passage of a law, which will insure the early completion of the Texas and Pacific Railway.

House bill No. 440, to amend "an act prescribing the times of holding the district courts in the several judicial districts of the State," approved August 10, 1870.

House bill No. 357, to authorize the issuance of land certificates to the heirs of those who fell in the Dawson massacre in A. D., 1842.

Also, that the Senate concurred in the House amendment to Senate bill No. 405, "An act prescribing the times of holding the district courts in the Twenty-ninth Judicial District, and repealing all other acts in conflict with this act."

Also, the passage of House bill No. 273, to incorporate the Gonzales Railway Company ; and .

House bill No. 524, supplemental to "an act to provide for the sale of bonds to pay the public debt," approved April 13, 1874.

On motion of Mr. Smith, of Grimes, the House adjourned.

EVENING SESSION.

House met. Roll called ; quorum present.

Absent—Messrs. Ballard, Brown of San Saba, Cardis and Stuart of Falls.

On motion of Mr. Easley, Mr. Brown of San Saba was excused on account of sickness.

On motion of Mr. DeMorse, leave of absence was granted Mr. Denman for six days beginning Wednesday.

Leave being granted, Mr. Denman submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 250, "An act to regulate public roads in the State of Texas," have had the same under consideration and recommend that the same do pass.

DENMAN, Chairman.

The report was adopted. The bill was read second time and passed to third reading.

On motion of Mr. Foote, the rules were suspended, the bill was read third time and passed.

Senate bill No. 162, to authorize the several counties of this State to raise means to pay their present indebtedness, pending on adjournment, was resumed.

Mr. Anderson moved to reconsider the vote passing the bill to third reading, which carried.

On motion of Mr. Douglass, the bill was postponed to Tuesday, twenty-eighth instant, 3 P. M., made special order for that hour, and one hundred copies were ordered printed.

Mr. Anderson moved to suspend the rules and take up Senate bill No. 402, to validate the election for a corporation and corporate officers of Carthage, which carried. The bill was read first time.

On motion of Mr. Anderson, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Sayers, the rules were further suspended, the bill was read third time and passed.

House bill No. 79, to extend the area and enlarge the boundaries of the county of Gregg, was taken up pending the following amendments by the Senate: Amend by striking out all of section one after the word "to" in ninth line, and inserting in lieu thereof the following: "A point due west from a stake, fifteen miles due north from the centre of the public square of the town of Henderson, in the county of Rusk, thence due east to said point, thence to a point on the Cherokee bayou, where the road leading from Camden to Henderson crosses said stream, thence northeast by straight line to the town of Camden, on the Sabine river, thence up said river with its meanderings to place of beginning, be and the same is hereby detached from the county of Rusk, and attached to and embraced within the county of Gregg.

That within thirty days after the passage of this act, the surveyor of the county of Gregg and the surveyor of the county of Rusk, or either of them, shall run and mark the boundary lines as contemplated in section one of this act, and shall deposit a copy of said survey with the clerk of the district court of the county of Gregg, and shall also forward a copy of same to the Secretary of State.

Amend further by striking out all of section two of said bill, and make section "three" section "four."

The House concurred in the amendments.

House bill No. 299, prescribing the time of holding the district court in the Thirty-fourth Judicial District, was taken up pending the following amendment by the Senate: Section two, line five, strike out all after the word "week" down to and inclusive of the word "term," in line seven. The House concurred in the amendment.

House bill No. 365, to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto, was taken up pending the following amendment by the Senate: Amend by striking out the word "sixteen" and inserting "eight" wherever it occurs in the bill in connection with land. The amendment was concurred in.

House bill No. 407, to incorporate the Henderson and Overton Branch Railway Company, was taken up pending the following amendment by the Senate: Add to section three the following: "*provided*, that if the gauge of the

road is under four feet, eight inches and a half, and not less than three feet, the company shall be entitled to only twelve sections of land to the mile of its road as completed and constructed." The amendment was concurred in.

Senate joint resolution No. 331, authorizing the late State Printer to deliver two thousand copies of the General Laws of the Thirteenth Legislature, printed in the German language, to the Secretary of State, was read first time.

Mr. Henderson, of Smith, moved to refer the bill to the Committee on State Affairs, with instructions to report thereon to-morrow. Lost.

On motion of Mr. DeMorse, the rules were suspended, the joint resolution was read second time and passed to third reading.

On motion of Mr. Kessler, the rules were further suspended, the joint resolution was read third time and passed.

Mr. Denman asked leave for the Committee on Roads, Bridges and Ferries to make a report. The House refused.

House bill No. 383, prescribing the times of holding the district courts in the Sixteenth Judicial District of the State of Texas, was read first time and laid on the table, subject to call.

Senate bill No. 423, to authorize the Judge of the Seventh Judicial District to hold a special term of the district court for the county of Marion, was read first time.

On motion of Mr. Epperson, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Epperson, the rules were further suspended, the bill was read third time by caption and passed.

Senate bill No. 421, to amend section seven of an act entitled "An act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, and to repeal the act of February 17, 1873, amendatory of the above entitled act, was taken up and read first time.

On motion of Mr. Roberts, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Epperson, the rules were further suspended, the bill was read third time by caption and passed.

Senate joint resolution No. 340, relative to the cession of a certain portion of territory from the State of Arkansas to the State of Texas, was read first time.

On motion of Mr. DeMorse, the rules were suspended, the joint resolution was read second time by caption and passed to third reading.

On motion of Mr. DeMorse, the rules were further suspended, the joint resolution was read third time by caption and passed by the following vote:

YEAS—Messrs. Anderson, Barziza, Bean, Brown of Gregg, Bruce, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Foote, Freeman, Gellatly, German, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kemble, Lawhon, Lea, Lindsey, Linn, Manning, Massey, Matthews, Middleton, Nicholson, O'Neal, Oxsheer, Patterson, Pickett, Price, Rogers, Rosborough, Sadler, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Watts and Wortham—58.

NAYS—Messrs. Beck, Brown of Harrison, Galvan, Harris, Mitchell, McLeary, Meissner, Murphy, Patrick, Reeves, Roberts and Walker—12.

Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, was taken up and read third time.

Mr. McLeary moved to postpone the further consideration of the bill to the first Saturday of the next session of the present Legislature.

Mr. Reeves moved a call of the House, which was sustained and ordered.

Absent—Messrs. Ballard, Brown of Gregg, Farrar, Gellatly, Miller, Stuart of Falls and O'Neill.

On motion of Mr. Price, Mr. Miller was excused on account of sickness.

On motion of Mr. Oxsheer, Mr. Stuart of Falls was excused on account of sickness.

Mr. Lea moved to suspend the call.

The House refused.

On motion of Mr. Jackman, the call was suspended.

Mr. Stephens moved to lay the motion to postpone on the table, which carried by the following vote:

YEAS—Barziza, Bean, Bruce, Cain, Chambliss, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Edwards, Foote, German, Hart, Hayes, Helton, Henderson of Smith, Jenkins, Kemble, Manning, McCuiston, Middleton, Nicholson, O'Neal, Oxsheer, Patterson, Pickett, Reeves,

Rogers Sadler, Schmidt, Smith of Travis, Stephens, Stewart of Montgomery, Swain, Triplett and Wortham—38.

NAYS—Mr. Speaker, Anderson, Beck, Brown of Gregg, Brown of Harrison, Delany, Eastland, Epperson, Freeman, Galvan, Harris, Harrison, Henderson of Kendall, Jackman, Johnson, Kessler, Lawhon, Lindsey, Massey, Matthews, Mitchell, McLeary, Meissner, Murphy, Patrick, Price, Rosborough, Roberts, Sayers, Scott, Storey, Von Biberstein, Walker and Watts—34.

Mr. Smith, of Grimes, stated that he had paired off with Mr. Lea.

Mr. Storey offered the following amendment: Amend section ten by striking out of line five the words "by the county courts," and add to the same line "in said counties." The amendment was adopted.

Mr. Wortham offered the following amendment: "Add to section eleven, *Provided*, that no actual settler shall be required to lease or pay rent upon any improvements made prior to the passage of this act. The amendment was adopted.

Mr. McLeary moved to adjourn. Lost by the following vote:

YEAS—Messrs. Anderson, Beck, Brown of Harrison, Eastland, Freeman, Galvan, Harris, Harrison, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lindsey, Massey, Matthews, Mitchell, McLeary, Meissner, Murphy, Price, Roberts, Scott, Smith of Grimes, Storey and Triplett—26.

NAYS—Messrs. Barziza, Bean, Brown of Gregg, Bruce, Cain, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Edwards, Epperson, Foote, German, Hart, Hayes, Helton, Jenkins, Kemble, Lawhon, Manning, McCuiston, Middleton, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Reeves, Rogers, Rosborough, Sadler, Sayers, Schmidt, Smith of Travis, Stephens, Swain, Von Biberstein, Walker, Watts and Wortham—43.

Mr. Watts moved a call of the House, which was sustained and ordered.

Absent—Messrs. Ballard, Cardiss, Farrar, Lea, McLeary and Simpson.

Mr. Wortham moved to suspend the call. The House refused.

Mr. Anderson moved to adjourn.

Mr. Farrar having come in, asked leave to retire to attend a committee. The House refused.

Mr. Anderson moved to adjourn, which carried by the following vote:

YEAS—Messrs. Anderson, Beck, Brown of Gregg, Brown of Harrison, Delany, Eastland, Epperson, Farrar, Freeman, Galvan, Gellatly, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lea, Lindsey, Massey, Matthews, McCuiston, Mitchell, Meissner, Miller, Murphy, Oxsheer, Patrick, Price, Rogers, Rosborough, Roberts, Sadler, Smith of Travis, Smith of Grimes, Storey, Triplett, Von Biberstein, Walker, Watts and Wortham—43.

NAYS—Messrs. Barziza, Bean, Bruce, Cain, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Edwards, Foote, German, Hart, Hayes, Jenkins, Kemble, Lawhon, Manning, Middleton, Nicholson, O'Neal, Patterson, Pickett, Reeves, Sayers, Schmidt, Scott, Stephens and Swain—30.

EIGHTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 28, 1874. }

House met. Prayer by Rev. Dr. Dodge. Roll called; quorum present.

Absent—Messrs. Jackman and Patterson.

On motion of Mr. McCuiston, Mr. Jackman was excused for the day on account of sickness.

On motion of Mr. Wortham, Mr. Patterson was excused on account of sickness.

A message from the Senate announced the passage by that body of the following bills: Senate joint resolution No. 427, granting leave of absence to the Hon. D. D. Claiborne, Judge of the Seventeenth Judicial District.

Senate bill No. 262, to prevent the sale of poisonous or drugged liquors.

Senate bill No. 196, to amend section one of an act entitled "An act prescribing the times of holding general elections," approved May 26, 1873.

Senate bill No. 293, to authorize the Commissioner of the General Land Office to issue patents to the following

leagues of land located in San Augustine county, in this State, between the thirteenth day of November and the first day of December, 1835, and to validate the same.

Senate bill No. 318, to amend the caption of an act entitled "An act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," approved March 11, 1871, and to change the name of said Railroad Company.

Senate bill No. 415, to legalize the offspring of Julius Henry and Bertha Nathan.

Senate bill No. 401, to repeal an act entitled "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue-officers," approved November 6, 1871.

Senate bill No. 424, to amend an act entitled "An act prescribing the times of holding the district courts in the several Judicial Districts in the State," approved August 10, 1870.

Senate bill No. 425, to provide for the traveling and other contingent expenses of the Quartermaster and Commissary of the Frontier Battalion.

Senate substitute for House bill No. 182, to lease to the use of Travis county certain land in the city of Austin on which to erect a courthouse and jail, and to enable said county to build the same.

Senate bill No. 324, to attach the county of LaSalle to Nueces Land District.

House bill No. 222, to require the Commissioner of the General Land Office to furnish copies of field notes and surveys to the counties of the State.

House bill No. 511, to amend the tenth section of an act entitled "An act to prescribe the times of holding the district courts in the several Judicial Districts in the State," approved August 10, 1870.

House bill No. 186, for the relief of certain citizens of Limestone and Walker counties, with amendments by the Senate.

House bill No. 416, to incorporate the Alamo Rifles of the city of San Antonio, also that the Senate had concurred in the House amendments to Senate bill No. 335, to provide for the safe keeping of the furniture and fixtures belonging to the public halls of the Capitol and the public library, and to provide for the improvement of the capitol grounds and State cemetery; also the passage of Senate bill No. 430, supplemental and amendatory of an act en-

titled "An act to incorporate the Texas and Midland, Gulf and New Orleans Railway, and to aid in the construction of the same," passed at the present session of the Legislature.

The journal of yesterday was read.

Mr. Cochran asked to have it corrected by inserting at the head of the list of places named in the House bill reported by the Special Committee on the Ohio Liquor Law, "Lancaster Masonic Institute, Dallas county," which was ordered.

The journal was then adopted.

Mr. Smith, of Grimes, presented a petition of D. C. Dickson, G. M. Patrick, E. W. Carothers and over one hundred other citizens of Grimes county, against the removal of Judge J. R. Burnett, also a petition of Gwynn Morrison, J. K. Holland, DuGald McAlpin, J. G. Chatham, J. T. Whitesides and fifty other citizens of Grimes county, protesting against the removal of Judge J. R. Burnett, both of which were laid on the table subject to call.

Mr. Lea presented a petition from citizens of San Jacinto county protesting against the proceedings against Judge J. R. Burnett. Laid on the table subject to call.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 365, entitled "An act to incorporate the Gonzales Railroad Company;" also House bill No. 79, entitled "An act to extend the area and enlarge the county of Gregg;" also House bill No. 299, entitled "An act prescribing the time of holding the district courts in the Thirty-fourth Judicial District," and presented the same to the Governor for his approval, this, the twenty-eighth day of April, 1874, at 9:05 o'clock A. M.

E. D. LINN, Chairman.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House bill No. 525, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, was resumed.

Mr. DeMorse moved the previous question which was seconded, and the main question ordered.

The bill was lost by the following tie vote :

YEAS—Messrs. Bean, Brown of San Saba, Bruce, Chambliss, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Edwards, Foote, German, Goodwin, Hart, Hayes, Helton, Jenkins, Kemble, Linn, Manning, McCuiston, Middleton, Nicholson, O'Neal, Oxsheer, Patrick, Pickett, Reeves, Rogers, Sadler, Schmidt, Smith of Grimes, Stephens, Stewart of Montgomery, Swain, Watts and Wortham—38.

NAYS—Mr. Speaker, Anderson, Ballard, Beck, Brown of Harrison, Delany, Eastland, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Henderson of Smith, Henderson of Kendall, Johnson, Kessler, Lawhon, Lea, Lindsey, Massey, Matthews, Mitchell, McLeary, Meissner, Miller, Murphy, Price, Rosborough, Roberts, Sayers, Scott, Smith of Travis, Storey, Stuart of Falls, Triplett, Von Biberstein and Walker—38.

The substitute for House joint resolution No. 33, regulating the mileage and *per diem* of the members, and the *per diem* pay of the officers and employees of the Legislature of the State of Texas, was taken up and read second time.

Mr. McLeary offered a substitute for the joint resolution abolishing the pay and mileage of members of the Legislature until the State shall be free from debt.

Mr. Hayes moved to lay the substitute on the table, which was carried by the following vote :

YEAS—Mr. Speaker, Anderson, Ballard, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Chambliss, Cochran, Delany, Denman, Donald, Easley, Eastland, Edwards, Freeman, Gellatly, German, Harris, Harrison, Hays, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Kemble, Kessler, Lea, Lindsey, Linn, Matthews, McCuiston, Meissner, Middleton, Oxsheer, Patrick, Price, Reeves, Rogers, Rosborough, Sayers, Schmidt, Smith of Travis, Stephens, Storey, Stuart of Falls, Walker and Wortham—49.

NAYS—Messrs. Brown of San Saba, Cain, Cardis, DeMorse, Douglass, Epperson, Foote, Galvan, Goodwin,

Hart, Johnson, Lawhon, Massey, Mitchell, McLeary, Miller, Murphy, Nicholson, O'Neal, Pickett, Roberts, Sadler, Simpson, Smith of Grimes, Swain, Triplett, Von Biberstein and Watts—28.

Mr. Storey offered a substitute for the joint resolution, which was read.

Mr. Rosborough moved the previous question. The previous question was not seconded.

Mr. Swain moved to lay the whole matter on the table, which failed by the following vote:

YEAS—Messrs. Ballard, Barziza, Brown of Gregg, Brown of Harrison, Cardis, Chambliss, Galvan, Gellatly, Hart, Helton, Henderson of Smith, Henderson of Kendall, Johnson, Lawhon, Massey, McCuiston, McLeary, Miller, O'Neal, Price, Rogers, Sadler, Scott, Simpson, Smith of Grimes, Swain, Triplett and Von Biberstein—28.

NAYS—Mr. Speaker, Anderson, Bean, Beck, Brown of San Saba, Bruce, Cain, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Foote, Freeman, German, Goodwin, Harris, Harrison, Hays, Jenkins, Kemble, Kessler, Lindsey, Linn, Manning, Matthews, Mitchell, Meissner, Middleton, Murphy, Nicholson, Oxsheer, Patrick, Pickett, Reeves, Rosborough, Roberts, Sayers, Smith of Travis, Stephens, Storey, Stuart of Falls, Walker, Watts and Wortham—50.

The Speaker announced the special order, Senate bill No. 277, amendatory of and supplemental to "An act to regulate the assessment and collection of taxes," approved May 31, 1873.

Mr. Denman moved to postpone the special order for ten minutes.

The House refused to postpone.

Mr. Kemble moved to postpone the further consideration of the bill until to-morrow at 3 P. M.

The House refused to postpone.

On motion of Mr. McLeary, the House went into the Committee of the Whole upon the bill.

Mr. Epperson was called to the chair.

After discussion, the Committee rose and recommended the passage of the bill with the following amendment:

"Section three, line forty-five, strike out the words 'five hundred,' and insert in lieu thereof 'one thousand.'"

The report was adopted, and the bill passed to third reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time by caption, and passed by the following vote :

YEAS—Messrs. Anderson, Barziza, Brown of San Saba, Cain, Cardis, Cochran, Delany, Denman, Edwards, Epperson, Farrar, Galvan, Gellatly, Helton, Henderson of Kendall, Jenkins, Lawhon, Lindsey, Massey, McLeary, Miller, Murphy, Oxsheer, Price, Roberts, Sadler, Sayers, Schmidt, Smith of Travis, Storey, Stewart of Montgomery, Swain, Triplett, Walker, Watts and Wortham—36.

NAYS—Messrs. Bean, Beck, Brown of Harrison, Bruce, Chambliss, Douglass, Eastland, Foote, German, Harris, Harrison, Hart, Hayes, Kemble, Manning, McCuiston, Mitchell, Meissner, Middleton, Nicholson, Patrick, Rogers, Rosborough, Scott, Smith of Grimes and Von Biberstein—26.

Mr. Storey, by leave, introduced a bill supplemental to and amendatory of "An act entitled an act regulating taxation," approved June 3, 1873, which was read first time.

On motion of Mr. Storey, the rules were suspended, and the bill was read second time.

The Speaker submitted the following communication and directed it spread upon the journal.

TEXAS MILITARY INSTITUTE, }
Austin, April 28, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

SIR—I have the honor to most respectfully invite, through you, the officers and members of your honorable body to be present at a battalion drill and dress parade of the cadets of this institution, to take place this evening, at five o'clock, on the vacant square, just north of the Capitol. With the highest respect,

Your most obedient servant,

JNO. G. JAMES, Sup't.

On motion of Mr. Triplett, the House adjourned.

EVENING SESSION.

House met. Roll called, quorum present.

Absent—Mr. Simpson.

Mr. Delany presented a memorial from the Memorial Committee of the Texas State Medical Association, which was referred to the Committee on Sanitary Measures.

On motion of Mr. Smith, of Grimes, House bill No. 186, for the relief of certain citizens of Limestone and Walker counties, was taken up pending the following amendment by the Senate: Add to the first section, "*and provided further*, that when parties seek to avail themselves of the provisions of this act, and are unable to produce the military tax receipt, the sheriff or tax collectors of said counties may, in their discretion, require additional proof of the affidavit of said parties of the payment of said military tax." The amendment was concurred in.

Mr. Harrison, on behalf of a Special Committee of Free Conference, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Free Conference Committee on House bill No. 385, entitled "An act to limit the power of taxation in cities and towns," to consider the amendments proposed by the Senate, and to consider the action of the House in refusing to concur in said amendments, and the action of the Senate in refusing to recede therefrom, have agreed to recommend that the House do concur in the Senate amendments under the following conditions, to-wit: Add to section one as follows: "*and provided further*, that the provisions of this act shall not apply to the city of Houston, in Harris county, in any respect; *and provided further*, that this act shall not prevent the collection of any taxes which have been heretofore levied by any town or city."

W. D. WOOD, Chairman of Senate Committee.

J. M. HARRISON, Chairman of House Committee.

On motion of Mr. McLeary, the report was recommitted to the same committee, with instructions to report thereon to-morrow.

Mr. Stewart, of Montgomery, presented a petition of John Rogers, which was referred to the Committee on Sanitary Measures.

Senate joint resolution No. 417, granting leave of absence to the Hon. E. Dougherty, Judge of the Fifteenth Judicial District, was taken up on motion of Mr. Murphy, and read first time.

On motion of Mr. Murphy, the rules were suspended, the joint resolution was read second time and passed to third reading.

On motion of Mr. Murphy, the rules were further suspended, the joint resolution was read third time and passed.

On motion of Mr. Rogers, Senate joint resolution No. 427, granting leave of absence to the Hon. D. D. Claiborne, Judge of the Seventeenth Judicial District, was taken up and read first time.

On motion of Mr. Rogers, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Lawhon, the rules were suspended, the bill was read third time and passed.

Senate bill No. 401, to repeal an act entitled "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers," approved November 6, 1871, was read first time.

On motion of Mr. DeMorse, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Epperson, the rules were further suspended, the bill was read third time and passed.

On motion of Mr. Helton, Senate bill No. 430, supplemental and amendatory of an act entitled "An act to incorporate the Texas and Midland, Gulf and New Orleans Railway, and to aid in the construction of the same," passed at the present session of the Legislature, was taken up, read first time and passed to second reading.

On motion of Mr. Helton, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Stephens, the rules were further suspended, the bill was read third time by caption and passed.

Mr. Anderson moved to reconsider the vote refusing to pass Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties.

Mr. Triplett moved to lay that motion on the table.

Mr. Harris moved a call of the House.

Absent—Messrs. Bean, Lindsey, Massey, Murphy, Pickett and Simpson.

Mr. Watts moved to excuse Mr. Simpson on account of sickness. The House refused.

Mr. Ballard moved to excuse Mr. Murphy on account of urgent business. The House refused.

Mr. Lawhon moved to suspend the call. The House refused.

Mr. Triplett withdrew his motion to lay on the table.

Mr. Sayers moved to suspend the call, which carried.

Mr. Sayers moved to postpone the bill to 10 A. M. tomorrow, and make it special order for that hour, which carried.

The special order, Senate bill No. 162, to authorize the several counties of this State to raise means to pay their present indebtedness, was taken up and read third time by caption, being printed.

Mr. McCuiston moved to amend section one, line six, by striking out "shall" and inserting in lieu thereof "may." The amendment was adopted.

Mr. Kemble offered the following amendment: "Strike out 'ten per cent.' wherever it occurs in the bill, and insert in lieu thereof 'eight per cent.'" The amendment was adopted. The bill then passed.

House bill No. 526, supplemental to and amendatory of an act entitled "An act regulating taxation," approved June 3, 1873, was resumed.

Mr. McLeary moved to refer the bill to the Committee on Agriculture and Stock Raising, with instructions to report thereon Thursday, April 30, 1874, which carried.

House joint resolution No. 38, regulating the mileage and *per diem* pay of the members, and the *per diem* pay of the officers of the Legislature of the State of Texas, was resumed pending the substitute offered by Mr. Storey.

Mr. Douglass offered the following amendment: "Add to section two 'and ten cents for every mile actually traveled by stage, and five cents for every mile traveled by railroad, to be computed by the nearest practicable route.'" "

Mr. Storey accepted the amendment.

Mr. Denman moved the previous question, which was seconded. The House refused to order the main question.

Mr. Swain moved to refer the whole matter to the Committee on Finance.

Mr. Denman moved to lay that motion on the table. Lost.

The motion to refer carried by the following vote:

YEAS—Messrs. Anderson, Barziza, Beck, Brown of Gregg, Brown of Harrison, Bruce, Cardis, Chambliss, Farrar, Foote, Freeman, Gellatly, Hart, Helton, Henderson of Smith, Henderson of Kendall, Lawhon, Lea, Linn, Matthews, McCuiston, McLeary, Meissner, Miller, O'Neal,

Patrick, Pickett, Price, Rogers, Roberts, Sadler, Schmidt, Scott, Stephens, Stewart of Montgomery, Swain and Triplett—37.

NAYS—Mr. Speaker, Ballard, Bean, Brown of San Saba, Cain, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Galvan, Harris, Harrison, Hayes, Jenkins, Johnson, Kemble, Kessler, Manning, Mitchell, Middleton, Nicholson, Oxsheer, Reeves, Rosborough, Sayers, Storey, Von Biberstein, Walker, Watts and Wortham—36.

The following communication from his Excellency the Governor was read :

EXECUTIVE OFFICE,
Austin, Texas, April 28, 1874. }

To the Hon. the House of Representatives of the State of Texas :

GENTLEMEN—I respectfully return, without my approval, and ask your reconsideration of House bill No. 357, being "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, near the Salado, in September, 1842, and of those who were taken prisoners there, and died while such prisoners."

This bill proposes to grant land to the parties named, in the only mode that has ever been used by the State, in making land grants, to-wit : by the issuance of certificates, under which vacant public domain may be acquired. Section six of Article ten of the Constitution, as amended by final ratification of the Thirteenth Legislature, reads as follows :

"The Legislature of the State of Texas shall not hereafter grant lands, except for purposes of internal improvements, to any person or persons, nor shall any certificate for land be sold, at the Land Office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres. *Provided*, that the Legislature shall not grant out of the public domain more than twenty sections of land for each mile of completed work, in aid of the construction of which, land may be granted ; and *provided further*, that nothing in the foregoing provision shall affect any rights granted or secured by laws passed prior to the final adoption of this amendment."

It seems to me, that this bill is in direct contravention of this clause of the Constitution, in that it proposes to grant lands to persons, said grant not being for purposes of internal improvement. It further contravenes the spirit, if not the letter, of the amendment to the Constitution, adopted finally by this present Legislature, which forbids special legislation.

The claims of those who are beneficiaries under this bill are meritorious, and appeal as strongly to the sympathies of the Executive as to those of your Honorable body, and if not restrained by convictions of duty, would be responded to with alacrity, but the Constitution is the supreme law, and when it speaks must be obeyed.

Very Respectfully,

RICHARD COKE.

Mr. Sayers moved to refer the message to Judiciary Committee No. 2, which was carried.

House joint resolution No. 30, settling the rate of pay for ranging companies called out by the late Governor Davis, was taken up.

On motion of Mr. Kemble, the bill was temporarily passed over.

House bill No. 231, to incorporate the Galveston Cotton Exchange, was taken up on its third reading.

Mr. Reeves moved to postpone the bill to the second Wednesday of the next session, which carried.

Mr. Delany moved to take up Senate bill No. 288, to legalize the unconditional certificate of three hundred and twenty acres of land issued to Josiah Powers, which carried, and the bill was read first time.

On motion of Mr. Delany, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Delany, the rules were suspended, the bill was read third time and passed.

House bill No. 450, to establish a Bureau of Statistics and History of the State of Texas, was taken up and read second time, by caption, being printed, and ordered engrossed.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time, and passed by the following vote:

YEAS—Mr. Speaker, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Cain, Cardiss, Cham-

bliss, Cochran, Delany, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Galvan, Gellatly, Harris, Hart, Helton, Henderson of Kendall, Johnson, Kessler, Lawhon, Lea, Lindsey, Linn, McCuiston, Mitchell, Meissner, Miller, Oxsheer, Pickett, Price, Reeves, Rogers, Roberts, Sadler, Sayers, Schmidt, Smith of Travis, Storey, Swain, Triplett and Von Biberstein—49.

NAYS—Bruce, Denman, Foote, Freeman, German, Harrison, Manning, Matthews, Nicholson, Patrick, Scott, Walker and Wortham—13.

A message from the Senate announced the passage by that body of Senate bill No. 432, to incorporate the San Antonio City Street Railroad Company.

Senate bill No. 288, to legalize the unconditional certificate of three hundred and twenty acres of land issued to Josiah Powers.

Senate bill No. 412, to incorporate the Caddo, Paris and Jefferson branch of the Missouri, Kansas and Texas Railroad Company.

Senate bill No. 431, to amend an act, approved April 22, 1874, entitled "An act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" approved April 12, 1871.

Also, that the Senate had concurred in the House amendments to Senate bill No. 395, "An act to define the Twenty-second Judicial District, and to fix the times for holding the courts therein."

On motion of Mr. Cochran, the House adjourned to 8 P. M.

NIGHT SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Ballard, Delany, Foote, Henderson of Smith, Lea, Mitchell, Meissner, Pickett, Sadler, Schmidt, Scott, Smith of Travis, and Stephens.

On motion of Mr. Kemble, Mr. Delany was excused for the night on account of official business.

On motion of Mr. Helton, Mr. Stephens was excused for the night on account of sickness.

On motion of Mr. Brown, of Gregg, Mr. Henderson, of Smith, was excused on account of sickness.

On motion of Mr. Easley, Mr. Smith, of Travis, was excused for the night.

A message from the Senate announced the passage by that body of Senate bill No. 216, to validate the acts of certain notaries public.

On motion of Mr. O'Neal, the Committee on Counties and County Boundaries submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 413, a bill to be entitled "An act to annex a portion of Harrison county to the county of Marion," have had the same under consideration, and committee instruct me to report the bill back with a substitute, and recommend that the substitute do pass.

BROWN, of Gregg, Chairman.

The substitute was adopted and ordered engrossed.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time and passed.

Mr. McLeary offered the following resolution:

Resolved, That at the night sessions the districts be called in their regular order, and that each district may call up one bill and have it disposed of.

Mr. Manning moved as a substitute for the resolution, to call the roll alphabetically, and allow each member to call up a bill. The House refused to adopt the substitute. The resolution was then adopted.

District No. 1 being called, Mr. Watts called up House bill No. 352, to create and provide for the organization of the county of Gordon, upon which the Committee on Counties and County Boundaries submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee to whom was referred House bill No. 352, "An act to create and provide for the organization of the county of Gordon, named in honor of Gen. John B. Gordon, of Georgia," and I am instructed by a majority of the committee to report the bill back and recommend the passage of the same, with the following amendment:

Amendments by the committee: Add to section five, "that the county court of Gordon county, shall cause to be levied and collected from the citizens of that portion of Harrison county attached to the county of Gordon, on all

property both real and personal, an annual tax sufficient to pay their proportional part of the subsidy tax voted by Harrison county."

BROWN, of Gregg, Chairman.

Mr. Galvan moved to postpone the further consideration of the bill until the next session of the Legislature.

Mr. Johnson moved to lay that motion on the table. Lost by the following vote :

YEAS—Messrs. Anderson, Cain, Chambliss, Denman, Douglass, Easley, Farrar, Gellatly, German, Hart, Hayes, Jenkins, Johnson, Linn, Manning, Massey, Matthews, O'Neal, Oxsheer, Patrick, Price, Rosborough, Smith of Grimes, Swain, Triplett and Watts—26.

NAYS—Messrs. Beck, Brown of San Saba, Brown of Harrison, Bruce, Cardis, Cochran, DeMorse, Donald, Eastland, Edwards, Epperson, Freeman, Galvan, Harris, Helton, Henderson of Kendall, Kemble, Kessler, Lawhon, Lindsey, McCuiston, Mitchell, McLeary, Middleton, Miller, Murphy, Nicholson, Reeves, Rogers, Roberts, Sayers, Storey, Von Biberstein, Walker and Wortham—36.

The motion to postpone then carried.

District No. 2 being called, Mr. Johnson called up House bill No. 520, to incorporate the Orange and Bolivar Point Railway Company, and aid in the construction of the same, upon which the following report was pending :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Internal Improvements, to whom was referred House bill No. 517, entitled a bill to be entitled "An act to incorporate the Orange and Bolivar Point Railroad Company, and aid in the construction of the same, have had the same under consideration, and instructed me to report the same back, and to recommend its passage with the following amendment: Add to section thirteen the following: "*Provided*, that if the guage of said road shall be less than four feet eight and one-half inches, then it shall be entitled to receive certificates for twelve sections of land for each mile; *and provided further*, that the State shall not be held to be liable for any deficiency of the public domain upon which to locate said certificates."

B. H. EPPERSON, Chairman.

The report and amendments were adopted, the bill was read second time and ordered engrossed.

On motion of Mr. Brown, of San Saba, the rules were suspended, the bill was read third time by caption, and passed by the following vote :

YEAS—Mr. Speaker, Anderson, Barziza, Bean, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Denman, DeMorse, Easley, Eastland, Epperson, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Hayes, Helton, Henderson of Kendall, Jenkins, Johnson, Kessler, Lawhon, Lindsey, Manning, Massey, McCuiston, Mitchell, McLeary, Miller, Nicholson, O'Neal, Oxsheer, Reeves, Rogers, Roberts, Sayers, Smith of Grimes, Storey, Swain, Triplett, Von Biberstein, Walker and Watts—48.

NAYS—Messrs. Cain, Cochran, Donald, Douglass, German, Hart, Kemble, Matthews, Middleton, Patrick, Rosborough and Wortham—12.

District No. 3 was called and, on call of Mr. Denman, the following report was submitted :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Committee on Agriculture and Stock, to whom was referred House bill No. 502, to be entitled "An act to amend Article 394 A. of an act entitled an act to establish and adopt a Penal Code," approved August 20, A. D. 1850, have had the same under consideration, and advise me to return the same and recommend its passage.

W. G. MILLER, Chairman.

The bill having been read second time, Mr. Galvan moved to postpone the further consideration of the bill to the next session of the Legislature.

The House refused to postpone.

Mr. McLeary moved to lay the bill on the table.

Mr. Barziza moved to adjourn.

The House refused ; no quorum voting on the motion to table.

Mr. Cochran moved to adjourn to 8 A. M., to-morrow.

The House refused.

Mr. Chambliss moved to adjourn to 9 A. M., to-morrow.

The House refused.

On motion of Mr. Brown, of San Saba, the House adjourned to 8:30 A. M.

EIGHTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 29, 1874. }

House met. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Jackman and Smith, of Travis.

On motion of Mr. McCuiston, Mr. Jackman was excused for the day on account of sickness.

On motion of Mr. Wortham, Mr. Patterson was excused for the day on account of sickness.

On motion of Mr. Miller, Mr. Cunningham, assistant clerk was excused on account of sickness.

On motion of Mr. Brown, of San Saba, Mr. Easley was excused for four days beginning on Friday.

The journal of yesterday was read and adopted.

Leave being granted, Mr. Harrison submitted the following special report:

The Free Conference Committee on House bill No. 385, entitled "An act to limit the power of taxation in cities and towns," to consider the amendments proposed by the Senate, and to consider the action of the House in refusing to concur in said amendments, and the action of the Senate in refusing to recede therefrom, have agreed to recommend that the House do concur in the Senate amendments under the following conditions, to-wit:

Add to section one as follows: "And provided further, that the provisions of this act shall not apply to the city of Houston, in Harris county, and the city of San Antonio, in Bexar county, in any respect; and provided further, that this act shall not prevent the collection of any taxes which have been heretofore levied by any town or city."

W. D. WOOD,

Chairman Senate Committee.

J. M. HARRISON,

Chairman House Committee.

The report was adopted.

House bill No. 502, to amend an act entitled "An act to establish and adopt a penal code," (Art. 394, A.) approved August 20, 1850, was resumed, pending a motion to lay the bill on the table.

The House refused to table by the following vote :

YEAS—Messrs. Brown of San Saba, Delany, Epperson, Galvan, Gellatly, Harrison, Lawhon, McLeary, Meissner, Middleton, Murphy, Scott, Smith of Grimes, and Wortham—14.

NAYS—Messrs. Anderson, Ballard, Barziza, Bean, Beck, Brown of Harrison, Bruce, Cain, Chambliss, Cochran, Denman, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, Freeman, German, Harris, Hart, Hayes, Helton, Henderson of Smith, Johnson, Kemble, Lea, Lindsey, Manning, Massey, McCuiston, Mitchell, Miller, Nicholson, Oxsheer, Patrick, Price, Reeves, Rogers, Roberts, Sadler, Schmidt, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Swain, Triplett, Walker and Watts—53.

Mr. Galvan moved to refer the bill to Judiciary Committee No. 2.

Mr. Watts moved to lay that motion on the table, which carried.

Mr. Watts moved the previous question, which was seconded and the main question ordered. The bill was ordered engrossed.

On motion of Mr. Denman, the rules were suspended, the bill was read third time by caption and passed.

House bill No. 239, to encourage and foster the planting and growing of forest and fruit trees, was taken up on second reading.

Mr. McLeary offered a substitute therefor of same caption.

Mr. Easley moved to amend the substitute by striking out all pertaining to fruit trees. The motion carried.

The House refused to adopt the substitute.

Mr. Reeves moved to amend by striking out section three. The motion carried.

Mr. Miller moved to amend by striking out the words "or fruit," wherever they occur in the bill. The motion carried.

Mr. McLeary moved to amend section four, by striking out line four and inserting in lieu thereof "of the county court of the county where the said trees are planted."

Mr. Cain moved to lay the bill and amendment on the table. The House refused to table.

Mr. Kessler moved to postpone the whole subject to the first Tuesday of the next session, which carried.

Report from Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit: House bill No. 455, "An act to establish a Bureau of Statistics and History of the State of Texas," and also House bill No. 413, "An act to annex a part of Harrison county to the county of Marion," and find the same correctly engrossed.

L. J. STOREY, Chairman.

Senate bill No. 150, to grant lands to the International Railroad Company in lieu of bonds, on a portion of the line of its road was taken up and read second time.

Mr. Murphy offered the following substitute for section one :

Section 1. *Be it enacted by the Legislature of the State of Texas,* That so much of the International Railroad as may be hereafter constructed west of the city of San Antonio, in the county of Bexar, to a point at or near the city of Laredo, in the county of Webb on the Rio Grande river, in accordance with the provisions of its charter, passed August 5, A. D. 1870, the said company shall be entitled to have and receive from the State of Texas twenty sections of land, of six hundred and forty acres each, for each and every mile of said road constructed as aforesaid ; and for so much of said road as may hereafter be constructed within the limits of this State, east of the city of Jefferson, in Marion county, the said company shall be entitled to receive from the State ten sections of land of six hundred and forty acres each for each and every mile of said road constructed as aforesaid, in lieu of, and in full satisfaction for all other claims of aid from the State on said portions of said railroad ; *provided,* that the restrictions as to time for constructing said railroad contained in the act incorporating said company, passed August 5, A. D. 1870, are hereby repealed as to that portion of the line of said railroad east of the city of Jefferson.

The special order was announced, Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, pending a motion to reconsider the vote refusing to pass the bill.

On motion of Mr. Douglass, the bill was postponed until the pending bill should be disposed of.

The substitute was adopted.

Mr. Reeves moved to strike out all of section one after the word "railroad," line sixth from the bottom, being the proviso repealing the restrictions as to time of construction of said portion of the road.

The motion to strike out carried.

Mr. Harrison offered the following amendment: *Provided*, that the said company shall not be required to construct the road east of Jefferson.

Mr. McCuiston offered the following amendment to the amendment: "And the State shall be relieved from any obligation upon that part of the road."

Mr. Harrison accepted the amendment.

The amendment was adopted.

Mr. Epperson moved to amend section one by striking out all after the word "aforesaid" in line thirteen, to the word "provided" in line twenty-two.

The motion carried.

The bill then passed to third reading.

Mr. Epperson moved to make the bill special order for 10 A. M. to-morrow, which carried.

Mr. Kessler moved to reconsider the vote passing the bill to third reading.

On motion of Mr. McLeary, that motion was laid on the table.

Senate bill No. 77, to authorize the county courts to sell the public school lands belonging to their respective counties, was taken up, pending the motion to reconsider the vote refusing to pass the bill.

Mr. Schmidt moved a call of the House, which was sustained. Absent—Messrs. Brown, of Gregg, Chambliss, Matthews, Pickett and Stewart, of Montgomery.

Mr. Henderson, of Smith, moved to excuse Mr. Brown, of Gregg. The House refused.

On motion of Mr. Foote, Mr. Pickett was excused.

On motion of Mr. Swain, the call was suspended.

Mr. Roberts moved to lay the motion to reconsider on the table, which was carried by the following vote:

YEAS—Mr. Speaker, Ballard, Beck, Brown of Harrison, Cardis, Eastland, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Henderson of Smith, Henderson of Kendall, Johnson, Kessler, Lawhon, Lea, Lindsey, Massey, Mitchell, McLeary, Meissner, Miller, Murphy, Patrick, Price, Rosborough, Roberts, Sayers, Scott, Simpson, Smith,

of Travis, Storey, Triplett, Von Biberstein, Walker and Watts—38.

NAYS—Messrs. Anderson, Barziza, Bean, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, Deuman, DeMorse, Douglass, Easley, Edwards, Farrar, Foote, German, Goodwin, Hart, Hayes, Helton, Jenkins, Kemble, Linn, Manning, McCuiston, Middleton, Nicholson, Oxsheer, Reeves, Rogers, Sadler, Schmidt, Smith of Grimes, Stephens, Swain and Wortham—36.

Mr. Donald stated he had paired off with Mr. Matthews on this question.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 511, entitled "An act to amend the tenth section of an act entitled 'an act to prescribe the times of holding the district courts in the several Judicial Districts in the State,' approved August 10, 1874; also House bill No. 222, entitled "An act to require the Commissioner of the General Land Office to furnish copies of field notes and surveys to the counties of the State;" also House bill No. 416, entitled "An act to incorporate the Alamo Rifles of the city of San Antonio;" also House bill No. 407, entitled "An act to incorporate the Henderson and Overton Branch Railway Company;" also House bill No. 186, entitled "An act for the relief of certain citizens of Limestone and Walker counties;" also House bill No. 365, entitled "An act to incorporate the Houston and Brazos Canal and Navigation Company and to grant State aid thereto," and presented the same to the Governor for his approval, this, the twenty-ninth day of April, 1874, at 9:30 o'clock A. M.

E. D. LINN, Chairman.

House bill No. 523, making provision for the purchase of and keeping a library of moral and useful books for the use of the convicts sentenced to the State Penitentiary, was taken up, and read second time.

On motion of Mr. Watts, the bill was postponed to the next session of the Legislature.

Senate bill No. 262, to prevent the sale of poisonous or drugged liquors, was read first time.

Mr. Meissner moved to refer the bill to the Committee on State Affairs.

Mr. Henderson, of Smith, moved to lay that motion on the table. Carried.

Mr. Henderson, of Smith, moved to refer the bill to a special committee of five, with instructions to report thereon to-morrow.

The Speaker appointed the following committee: Messrs. Henderson, of Smith, Simpson, Epperson, McCuiston and Meissner.

Senate bill No. 306, better defining the powers and duties of sheriffs and constables, was taken up and read first time.

On motion of Mr. Lawhon, the rules were suspended and the bill was read second time.

Mr. Gálvan offered the following amendment: Section four, line five, strike out "five" and insert in lieu thereof "three."

Mr. Linn moved to lay the amendment on the table. Lost.

Mr. Reeves offered the following substitute for the amendment: Section four, strike out all between the word "paid" line three, and "the" line five, and inserting in lieu thereof, "to be paid out of the State Treasury;" and in line six after the first word day, "in lieu of all forage, rations and other compensation."

Mr. Kemble moved to refer the bill to Judiciary Committee No. 1, with instructions to report thereon Friday, May 1.

Leave being granted, Mr. Delany submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Finance beg leave to report the accompanying bill, and respectfully recommend that the same do pass.

W. S. DELANY, Chairman.

On motion of Mr. Delany, the bill, being a bill to be entitled "An act to ascertain the deficiencies of the several departments of the State for the fiscal year ending the thirty-first day of August, 1874, and amounts due individuals, and to appropriate money to pay the same," was made special order for Thursday, April 30, 1874, 12 M., and one hundred copies were ordered printed.

A message from the Senate announced that that body had adopted the report of the Committee of Free Conference upon House bill No. 385, to limit the power of taxation in cities and towns," and had passed the following bills :

House bill No. 435, to amend an act to provide for districting the State of Texas into judicial districts, approved July 8, 1870 ; House bill, No. 509, to provide for the locating of county seats in such counties of the State as are without county seats ; and House bill No. 413, to annex a part of Harrison county to the county of Marion.

On motion of Mr. Meissner, the House adjourned.

EVENING SESSION.

House met ; roll called ; quorum present.

Absent—Messrs. Brown of Gregg, Helton, Linn, Matthews, Smith of Travis and Stewart of Montgomery.

A message from the Senate, announced the passage by that body of the following bills :

Senate bill No. 428, to amend section forty-four of "An act to encourage stock raising, and for the protection of stock raisers," approved March 23, 1874.

Senate bill No. 429, to regulate the manner of proceedings in the Supreme Court upon motions for rehearing.

Senate bill No. 209, to amend section six of "An act to regulate the estraying of stock in the State of Texas."

House bill No. 525, to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places, with amendments by the Senate.

House bill No. 409, to incorporate the Lake City Railway Company, and to aid in the construction of said railway.

House bill No. 522, to authorize and require the Secretary of State to distribute certain books and documents, with amendments by the Senate.

House bill No. 305, to define the land districts of Brown and of San Saba.

On motion of Mr. Easley, the Committee on Counties and County Boundaries were instructed to submit the following report :

Hon.. Guy. M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 227, a bill to

create and organize the county of Frankland, have had the same under consideration, and committee instruct me to report back said bill, and recommend that it do pass, with the following amendments: "Strike out the word 'Franklin,' wherever it occurs, and insert 'Deaf Smith.' Strike out after the word 'line,' in the tenth line of section one, to the word 'thence,' in line fourteen, and insert in lieu thereof 'to the point where the third Yegua crosses said county line on the John Toms league; thence in a direct line to the point where the dividing line between Milam and Burleson counties crosses the north-east boundary line of the R. Bass survey.'" Thence with the line of Milam and Burleson counties to the east line of the O. Farnsworth survey, thence parallel with the Williamson county line to Brushy creek, thence in a direct line to the point where the Williamson county line crosses the San Gabriel.

Amend, also, section first, line seven, by striking out "S. Duty" and insert in lieu thereof "B. Osburne;" in line eight, strike out seventy-one; in line nine after word county, insert "north-west corner of Joseph Martin league;" strike out all of first section after the seventeenth line and insert in lieu thereof the "south-west corner of the Englebort Biader survey on Brushy creek; thence up Brushy creek to the south-west corner of the James O. Rice survey; thence in a direct line to the north-west corner of the Amos Alexander league; thence in the west line of said league to Wellbarger's creek; thence down said creek to the Bastrop county line, and thence to the place of beginning."

The report and amendments were adopted.

Mr. Sayers moved to postpone the bill to the first Thursday of the next session.

Mr. Lea moved to lay that motion on the table.

Lost.

The motion to postpone then carried.

Mr. Epperson moved to take up the motion to reconsider the vote postponing House bill No. 521, supplemental to an act entitled "an act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," to Friday, May first, 11 A. M.

Mr. Smith, of Grimes, moved to lay the motion to reconsider on the table, which carried.

On motion of Mr. Foote, House bill No. 525, to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places, was taken up, pending the following amendment by the Senate: "Add to the end of section one as follows: 'Aurora, in Wise county; Moulton, in Lavaca county; Heffner's Chapel, in Hunt county; and Mantua, in Collin county.'"

The amendment was concurred in.

On motion of Mr. Murphy, Senate bill No. 324, to attach the county of LaSalle to Nueces land district, was taken up and read first time.

On motion of Mr. Murphy, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Murphy, the rules were further suspended, the bill was read third time and passed.

On motion of Mr. Jenkins, Senate bill No. 412, to incorporate the Caddo, Paris and Jefferson branch of the Missouri, Kansas and Texas Railway Company, was taken up and read first time.

On motion of Mr. Epperson, the rules were suspended, and the bill was read second time by caption.

Mr. Reeves moved to refer the bill to the Committee on Internal Improvements. The House refused to refer.

The bill was then read.

Mr. Epperson moved to suspend the rules and put the bill on its third reading.

Lost.

On motion of Mr. Sayers, House bill No. 522, to authorize the Secretary of State to distribute certain books and documents, was taken up, pending the following Senate amendment: "After the words 'Sayles' Treatise,' fourth line, second section, insert the words 'or any of the General or Special Laws, not heretofore received by the county, or having been received, are lost or destroyed.'"

The amendment was concurred in.

On motion of Mr. Meissner, Senate bill No. 428, to amend section forty-four of "an act to encourage stock raising, and for the protection of stock raisers," approved March 23, 1874, was taken up and read first time.

On motion of Mr. Meissner, the rules were suspended, the bill was read second time by caption, and passed to third reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time by caption and passed.

Mr. Epperson, by leave, introduced a bill (House bill No. 528), supplemental to an act entitled "an act to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto," which was read first time.

On motion of Mr. Barziza, the rules were suspended, the bill was read second time by caption and ordered engrossed.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time and passed.

On motion of Mr. Bruce, Senate bill No. 424, to amend an act entitled "an act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, was taken up and read first time.

On motion of Mr. Bruce, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Bruce, the rules were further suspended, the bill was read third time and passed.

Mr. German moved to reconsider the vote passing Senate bill No. 428, to amend section forty-four of an act entitled an act to encourage stock raising, and for the protection of stock raisers, which carried.

Mr. Wortham moved to amend section one by adding thereto "Hopkins county."

The amendment was adopted, and the bill passed.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills, have carefully compared the following House bills, to wit: House bill No. 502, "An act to amend an act entitled an act to adopt and establish a Penal Code for the State of Texas," approved August 26, 1856, and House bill No. 517, "An act to incorporate the Orange and Bolivar Point Railroad Company, and aid in the construction of the same," and find each correctly engrossed.

L. J. STOREY, Chairman.

Mr. Brown, of Harrison, moved to adjourn to 9 A. M., to-morrow. Lost.

Mr. Hayes moved to adjourn to 8 P. M., which carried.

NIGHT SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Ballard, Beck, Brown of Harrison, Delany, Easley, Goodwin, Lea, Matthews, Simpson and Stewart of Montgomery.

On motion of Mr. Smith, of Travis, Mr. Easley was excused on account of sickness.

On motion of Mr. Watts, Mr. Simpson was excused on account of sickness.

On motion of Mr. Stephens, Mr. Helton was excused on account of sickness.

Mr. McLeary moved to excuse Mr. Lea on account of important business.

The House refused.

The Fourth District was called, and Mr. Eastland called up Senate bill No. 209, to amend section six of "An act to regulate the estraying of stock in the State of Texas," which was read first time.

On motion of Mr. Harrison, the rules were suspended, and the bill was read second time.

Mr. Sayers moved to refer the bill to the Committee on Agriculture and Stock Raising, with instructions to report thereon to-morrow, at 3 P. M., which carried.

For District No. 5, Mr. Roberts called up Senate bill No. 253, to repeal an act entitled "An act to change the line between the counties of Burnet and Lampasas," approved June 3, 1873, and to define the boundaries between said counties, which was read second time.

On motion of Mr. Brown, of San Saba, the rules were suspended, the bill was read third time by caption and passed.

District No. 6 was passed over on motion of Mr. Henderson, of Smith.

For District No. 7, Mr. Epperson called up Senate bill No. 305, instructing our Senators, and requesting our Representatives in Congress, to aid in securing the passage of a law which will secure the early completion of the Texas and Pacific Railway, which was read first time and passed to second reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read second time by caption, and passed to third reading.

On motion of Mr. Epperson, the rules were further suspended, the bill was read third time by caption and passed.

For District No. 6, Mr. Henderson, of Smith, called up Senate bill No. 257, upon which the following report was submitted :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee No. 1, to whom was referred Senate bill No. 257, to be entitled "An act to amend section ninety of an act entitled an act to regulate proceedings in the district courts," have had the same under consideration and recommend its passage.

JOHN W. HARRIS, Chairman.

The bill was read second time, the report was adopted, and the bill was passed to third reading.

On motion of Mr. Henderson, of Smith, the rules were suspended, and the bill was read third time.

Mr. Harrison moved to refer the bill to Judiciary Committee No. 2, which carried.

Report from the Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared and examined, and find correctly engrossed House bill No. 528, "An act supplemental to an act entitled 'an act to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto,'" passed at the first session of the Fourteenth Legislature.

Respectfully, L. J. STOREY, Chairman.

A message from the Senate announced the passage by that body of Senate bill No. 367, to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1874.

On motion of Mr. Epperson, the bill just received was made special order for Thursday, April 30th, 3 P. M., and from day to day thereafter until disposed of, and one hundred copies were ordered printed.

For District No. 8, on motion of Mr. Swain, Judiciary Committee submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee, to whom was referred House bill No. 196, entitled "An act to provide for the employment of convicts for misdemeanors and petty offenses, has had the same under consideration, and instructed me to

report the accompanying bill as a substitute for House bills No. 196 and 311, and to recommend its passage.

B. H. EPPERSON, Chairman.

The substitute was read and adopted, becoming House bill No. 196.

Mr. Brown, of Harrison, moved to postpone the bill indefinitely.

The House refused to postpone indefinitely by the following vote:

YEAS—Beck, Brown of Harrison, Cardis, Eastland, Freeman, Galvan, Harrison, Mitchell, Meissner, Murphy, Roberts, Scott—12.

NAYS—Mr. Speaker, Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, DeMorse, Donald, Douglass, Edwards, Epperson, Farrar, Gellatly, German, Harris, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Manning, Massey, McCuiston, McLeary, Middleton, Miller, Nicholson, Oxsheer, Patrick, Price, Reeves, Rogers, Rosborough, Sadler, Sayers, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Walker, Watts, Wortham—54.

Mr. Freeman, moved to postpone the bill to the first Monday of next session.

Lost by the following vote:

YEAS—Messrs. Beck, Brown of Harrison, Cardis, Eastland, Freeman, Galvan, Harrison, Mitchell, Meissner, Roberts and Scott—11.

NAYS—Messrs. Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran, Donald, Douglass, Edwards, Epperson, Gellatly, German, Harris, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Manning, Massey, McCuiston, McLeary, Middleton, Miller, Nicholson, Oxsheer, Patrick, Price, Reeves, Rogers, Rosborough, Sadler, Smith of Travis, Stephens, Storey, Swain, Triplett, Von Biberstein, Watson, Watts and Wortham—49.

Mr. Henderson, of Smith, moved the previous question, which was seconded.

The main question was ordered by the following vote:

YEAS—Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, Cochran,

DeMorse, Donald, Douglass, Edwards, Epperson, Farrar, Galvan, Gellatly, German, Harris, Harrison, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Manning, Massey, McCuiston, McLeary, Middleton, Miller, Nicholson, Oxsheer, Patrick, Price, Reeves, Rogers, Rosborough, Sadler, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Walker, Watson, Watts, Wortham—55.

NAYS—Beck, Brown of Harrison, Cardis, Eastland, Freeman, Mitchell, Meissner, Roberts, Scott—9.

The bill was ordered engrossed.

On motion of Mr. Johnson, the rules were suspended and the bill was put on its third reading.

Mr. Galvan offered the following amendment: Amend by adding, "all persons so hired shall have all the rights of a free civil person, and all offenses against their lives or persons, shall be punished as if committed against a free civil person, and their testimony shall be received in all courts of law."

Mr. Swain moved the previous question, which was seconded, and the main question ordered.

The amendment was rejected by the following vote:

YEAS—Messrs. Beck, Brown of Harrison, Cardis, Freeman, Galvan, Mitchell, Roberts and Scott—8.

NAYS—Messrs. Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Chambliss, DeMorse, Donald, Douglass, Eastland, Edwards, Epperson, Farrar, Gellatly, German, Harris, Harrison, Hart, Hayes, Henderson of Smith, Henderson of Kendall, Jenkins, Johnson, Kemble, Kessler, Lawhon, Lindsey, Manning, Massey, McCuiston, McLeary, Meissner, Middleton, Miller, Nicholson, Oxsheer, Patrick, Price, Reeves, Rogers, Rosborough, Sadler, Smith of Travis, Stephens, Storey, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—55.

The bill then passed.

District No. 9 being called, on motion of Mr. Farrar, the Committee on Counties and County Boundaries, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 198, "An act providing

for the removal of county seats," have had the same under consideration and instruct me to report the same back and recommend that it do pass.

BROWN, of Gregg, Chairman.

The bill was read second time and the report adopted.

Mr. Kessler moved to amend section one by striking out "ten years," and inserting in lieu thereof "five years." The amendment was adopted.

Mr. Cochran offered the following amendment: Amend section one by adding after "election" in the last line, "*provided*, that where a county seat has been or shall hereafter be located at a greater distance than five miles from the geographical centre of such county, it shall be lawful for an election to be held for the purpose of removing said county seat to within a less distance than five miles from the centre of such county at any time, upon the petition of the qualified voters of such county presented to the county court of said county. The House refused the amendment.

Mr. Douglass moved to amend section one by striking out the words, "where an election has heretofore been held." The House refused the amendment. The bill passed to third reading.

On motion of Mr. Hayes, the rules were suspended, the bill was read third time and passed.

Mr. Donald moved to adjourn to 8 A. M. to-morrow.

Mr. Kessler moved to adjourn to 9 A. M. to-morrow. The House refused.

Mr. Brown, of San-Saba, moved to adjourn to 8:30 A. M. to-morrow, which carried.

NINETIETH DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, April 30, 1874. }

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Messrs. Jackman, Johnson, Massey, Miller, Patterson and Scott.

On motion of Mr. Storey, Mr. Jackman was excused indefinitely on account of sickness.

On motion of Mr. Ballard, Mr. Patterson was excused for the day on account of sickness.

On motion of Mr. Anderson, Mr. Johnson was excused for the day on account of sickness.

On motion of Mr. McLeary, Mr. Kessler was granted leave of absence for three days, beginning to-morrow, on account of important business.

On motion of Mr. Price, Mr. Miller was excused for the day on account of important business.

On motion of Mr. Stewart, of Montgomery, the name of Dr. A. M. Douglass, residence Covington, Hill county, Texas, was ordered to be added to the list of the Committee on Sanitary Measures, having been omitted inadvertently when the report was submitted.

The journal of yesterday was read and adopted.

Leave being granted, Mr. Goodwin submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Military Affairs, to whom was referred Senate bill No. 158, entitled "An act providing for the condemnation and sale of damaged and useless arms, equipments and ammunition belonging to the State," have had the same under consideration, and instruct me to report the same back, with the accompanying amendment, and recommend its passage.

G. I. GOODWIN, Chairman.

"Add after the word 'made,' in line five, of section two, 'in any county in the State and.'"

The report and amendment were adopted and the bill passed to third reading.

On motion of Mr. Goodwin, the rules were suspended, the bill was read third time, and passed.

Leave being granted, Mr. Swain introduced House bill No. 529, to provide for the payment of claims against the public school fund for building school houses in the various counties and school districts in the State, which was read first time.

Mr. Kemble offered a substitute therefor, which was read.

On motion of Mr. Harrison, the bill and substitute were referred to the Committee on Education, with instructions to report thereon to-morrow.

On motion of Mr. Chambliss, House bill No. 306, regulating the appointment of officers of the various Asylums of

this State, was taken up, pending an amendment offered by Mr. Swain.

On motion of Mr. Watts, the bill and substitute were postponed to the next session of the Legislature.

Mr. Hayes asked leave for the Committee on Finance to report upon the joint resolution, regulating the mileage and *per diem* pay of the members, and the *per diem* pay of the officers of the Legislature.

The House refused to allow the report to be made by the following vote :

YEAS—Mr. Speaker, Bean, Beck, Bruce, Cain, Chambless, Cochran, Delany, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Epperson, Farrar, Galvan, German, Harrison, Hart, Hayes, Jenkins, Kemble, Lindsey, Matthews, Middleton, Nicholson, Oxsheer, Patrick, Reeves, Rosborough, Storey, Stuart of Falls, Walker, Watson, Watts and Wortham—37.

NAYS—Messrs. Anderson, Ballard, Barziza, Brown of Harrison, Cardis, Foote, Freeman, Gellatly, Helton, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Linn, Manning, McCuiston, Mitchell, McLeary, Meissner, Murphy, Pickett, Rogers, Roberts, Sadler, Schmidt, Scott, Simpson, Smith of Grimes, Swain and Triplett—30.

Report from Committee on Enrolled Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House bill No. 509, entitled "An act to provide for the locating of county seats in such counties of the State as are without county seats;" also, House bill No. 435, entitled "An act to amend an act to provide for districting the State of Texas into Judicial Districts," approved July 8, 1870; also House bill No. 385, entitled "An act to limit the power of taxation in cities and towns;" also, House bill No. 413, entitled "An act to annex a part of Harrison county to the county of Marion," and presented the same to the Governor for his approval, this the thirtieth day of April, 1874, at 8 o'clock A. M.

E. D. LINN, Chairman.

Senate bill 409, to be entitled "An act to amend an act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," passed at

the present session of the Legislature, was read first time and passed to the orders of the day.

Senate bill No. 104, providing the time of holding the annual sessions of the Legislature of the State of Texas, was taken up and read second time.

Mr. Epperson moved to postpone the bill indefinitely, which carried.

On motion of Mr. Reeves, Senate bill No. 412, to incorporate the Caddo, Paris and Jefferson Branch of the Missouri, Kansas and Texas Railroad Company, was taken up and read.

Mr. Reeves offered the following amendment: Insert after the word "points," in line nine, section three, and before the words "via Paris" the following, to-wit: "the city of Jefferson, in the county of Marion, to a point on Red River, in Lamar county, between the mouth of Bois d'Arc and the mouth of Sandies' Creek, where the South branch of the Missouri, Kansas and Texas Railroad shall cross Red River."

The amendment was adopted, and the bill passed to third reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time by caption, and passed by the following vote:

YEAS—Messrs. Anderson, Ballard, Barziza, Beck, Brown of Harrison, Cardis, Chambliss, Delany, DeMorse, Easley, Eastland, Edwards, Epperson, Farrar, Freeman, Galvan, Gellatly, Goodwin, Harris, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Lawhon, Lea, Lindsey, Manning, McCuiston, Mitchell, McLeary, Murphy, Price, Reeves, Rogers, Rosborough, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Stuart of Falls, Von Biberstein, Walker, Watson and Watts—48.

NAYS—Messrs. Bean, Cain, Cochran, Douglass, Foote, German, Hart, Hayes, Matthews, Meissner, Middleton, Oxsheer, Patrick and Wortham—14.

Leave being granted, Mr. Farrar submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee to whom was assigned the duty of taking the evidence in the matter of the address of the Hon.

James R. Burnett, Judge of the Thirtieth Judicial District," beg leave to report that they have performed that duty, and that the evidence in said case has been taken.

L. J. FARRAR,

For the Committee on the part of the House.

Mr. Lea moved that the time for hearing of the causes for removal of Hon. J. R. Burnett, Judge of the Thirtieth Judicial District, be set for 8 P. M. this evening. Pending the discussion a message from the Senate announced the adoption by that body of the following concurrent resolution: *Resolved*, that the Senate and House of Representatives meet in joint session this evening at 8 P. M., for the purpose of hearing argument in the case of the address for removal of Judge James R. Burnett, and that one hour be allowed each side for argument, and the prosecution allowed one-half hour to close the argument.

The special order was announced, being Senate bill No. 150, to grant lands to the International Railroad Company, in lieu of bonds, on a portion of the line of its road.

On motion of Mr. Pickett, the special order was postponed until the pending matter should be disposed of.

Resuming the pending matter, Mr. Epperson moved to postpone the further consideration of the matter to the third Monday of the next session, which carried.

Leave being granted, the following reports were submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 526, a bill to be entitled "An act supplemental to and amendatory of an act entitled 'an act regulating taxation,' approved June 3, 1874," have had the same under consideration and I am instructed to report the bill back to the House and recommend its passage.

MILLER, Chairman.

The report was adopted and the bill passed to the orders of the day.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Agriculture and Stock Raising, to whom was referred Senate bill No. 209, entitled "An act to amend section six, of an act to regulate the estraying of

stock in the State of Texas," have had the same under consideration, and instruct me to recommend that it be postponed until the second Saturday of the next session of the Legislature. MILLER, Chairman.

The report was adopted and postponement made.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Agriculture and Stock Raising, to whom was referred Senate bill No. 102, entitled, "An act for the protection of the wool growing interests of the State," have had the same under consideration, and instruct me to recommend that it do pass.

MILLER, Chairman.

The report was adopted and the bill passed to the orders of the day.

The special order, Senate bill No. 150, to grant lands to the International Railroad Company, in lieu of bonds, on a portion of the line of its road, was taken up and read third time.

Mr. Epperson offered the following amendment: Section one, after the word "aforesaid," insert "in lieu of all claims for bonds on that portion of the road."

Mr. Storey offered the following substitute for the amendment: "*Provided* that this act shall not be construed as an admission on the part of this Legislature that said company are entitled to any subsidy from the State of Texas by reason of any act of a former Legislature." The substitute was adopted by the following vote:

YEAS—Mr. Speaker, Anderson, Bean, Brown of Gregg, Bruce, Chambliss, Cochran, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, German, Goodwin, Harris, Harrison, Hart, Hayes, Jenkins, Kemble, Linn, Manning, Matthews, McCuiston, Middleton, Nicholson, Pickett, Reeves, Rosborough, Sadler, Schmidt, Simpson, Stephens, Storey, Stuart of Falls and Watson—39.

NAYS—Messrs. Ballard, Barziza, Beck, Brown of San Saba, Brown of Harrison, Cardis, Delany, Epperson, Freeman, Galvan, Gellatly, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Lea, Lindsey, Mitchell, McLeary, Meissner, Murphy, Oxsheer, Patrick, Price, Roberts, Scott, Smith of Travis, Smith of Grimes, Swain, Triplett, Von Biberstein, Walker, Watts and Wortham—34.

The amendment was adopted by the following vote:

YEAS—Mr. Speaker, Anderson, Bean, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chámbliss, Cochran, DeMorse, Donald, Douglass, Easley, Eastland, Edwards, Farrar, Foote, Gellatly, German, Goodwin, Harris, Harrison, Hart, Hayes, Henderson of Smith, Jenkins, Kemble, Lindsey, Linn, Manning, Matthews, McCuiston, Middleton, Nicholson, Oxsheer, Patrick, Pickett, Price, Reeves, Rosborough, Sadler, Sayers, Simpson, Smith of Grimes, Stephens, Storey, Stuart of Falls, Watson and Wortham—50.

NAYS—Messrs. Ballard, Barziza, Beck, Brown of Harrison, Delany, Epperson, Freeman, Galvan, Henderson of Kendall, Kessler, Lawhon, Lea, Mitchell, McLeary, Meissner, Murphy, Rogers, Roberts, Schmidt, Scott, Smith of Travis, Swain, Triplett, Von Biberstein and Walker—25.

Mr. Goodwin moved to postpone the further consideration of the matter until the second Thursday of the next session. The House refused to postpone by the following vote:

YEAS—Messrs. Anderson, Bruce, Cain, DeMorse, Douglass, Foote, Gellatly, German, Goodwin, Hart, Hayes, Jenkins, Middleton, Oxsheer, Rosborough, Sadler, Simpson and Stuart of Falls—18.

NAYS—Mr. Speaker, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Delany, Donald, Easley, Eastland, Edwards, Epperson, Farrar, Freeman, Galvan, Harris, Harrison, Henderson of Smith, Henderson of Kendall, Kessler, Lawhon, Lea, Lindsey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Murphy, Nicholson, Patrick, Pickett, Price, Reeves, Rogers, Roberts, Sayers, Schmidt, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—54.

Mr. Stephens offered the following amendment: "That so much of section nine of the law incorporating the International Railroad Company, approved August 5, 1870, as relates to bonds to be issued to said road, on that portion of said road between the city of San Antonio and the Rio Grande River, is hereby repealed.

Mr. Storey moved the previous question, which was seconded, and the main question ordered.

The House refused the amendment.

The bill then passed by the following vote:

YEAS—Mr. Speaker, Ballard, Barziza, Beck, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Delany, Donald, Easley, Eastland, Edwards, Epperson, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Henderson of Kendall, Jenkins, Lawhon, Lea, Lindsey, McCuiston, Mitchell, McLeary, Meissner, Murphy, Nicholson, Patrick, Pickett, Price, Reeves, Rogers, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watts and Wortham—52.

NAYS—Messrs. Anderson, Bean, Bruce, Cain, DeMorse, Douglass, Foote, German, Hart, Hayes, Matthews, Middleton, Oxsheer, Rosborough, Sadler, Stephens and Watson—17.

Mr. Epperson moved to reconsider the vote just taken, and to lay that motion on the table, which carried.

The special order, House bill No. 527, to ascertain the deficiencies of the several departments of the State, for the fiscal year ending the thirty-first, of August, A. D., 1874, and amounts due individuals, and to appropriate money to pay the same, was announced.

On motion of Mr. Triplett, the House went into Committee of the Whole upon the bill.

Mr. Triplett was called to the chair.

After discussion, the Committee rose, reported progress, and asked leave to sit again at 3 P. M.

A message from the Senate announced the concurrence by that body in the House amendments to Senate bill No. 141, to organize unorganized or disorganized counties in the State of Texas.

Senate bill No. 334, authorizing and requiring the Commissioner of the General Land Office, to issue a patent or patents on any survey or surveys of vacant public domain of the State of Texas, made by virtue of bounty land warrant No. 831, issued to Henry W. Ward by Benjamin F. Hill, Adjutant General of the State of Texas, on the twenty-eighth day of May, A. D. 1851.

Senate bill No. 152, to authorize counties to aid in the construction of railroads and other works of internal improvements by taking stock in the same.

Senate bill No. 433, to prevent frauds upon the State.

Senate bill No. 434, to repeal "An act to incorporate the town of Ysleta, in El Paso county, approved May 9, 1871."

That the Senate concurred in the House amendments to Senate bill No. 428, to amend section forty-four of "An act to encourage stock raising and for the protection of stock raisers, approved March 23, 1874;" also in the House amendments to Senate bill No. 198, "An act providing for the removal of county seats;" and had passed House joint resolution No. 286, relating to those who lost limbs during the late civil war, being residents of Texas, with an amendment by the Senate.

Senate bill No. 436, supplemental to "An act to create the county of Lee," approved April 14, 1874.

House bill No. 472, to give State aid in the removal of rafts and other obstructions from the Guadalupe and San Antonio rivers.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Engrossed Bills, have carefully compared House bill No. 196, "An act to provide for the employment of prisoners and convicts of misdemeanors and petty offenses," and find the same correctly engrossed.

L. J. STOREY, Chairman.

On motion of Mr. Foote, the House adjourned.

EVENING SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Bean, Hayes, Massey and Smith of Travis.

On motion of Mr. Anderson, Mr. Massey was excused on account of sickness.

On motion of Mr. Easley, Mr. Smith, of Travis, was excused on account of sickness.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined, compared and find correctly enrolled House bill No. 409, entitled "An act to incorporate the Lake City Railway Company, and to aid in the construction of said railway;" also House bill No. 522, entitled "An act to authorize and require the Secretary of State to distribute certain books and documents;" also House bill No. 305,

entitled "An act to define the Land District of Brown and San Saba," also House bill No. 525, entitled "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places," and presented the same to the Governor for his approval, this the thirtieth day of April, 1874, at 10:20 o'clock.

E. D. LINN, Chairman.

Senate bill No. 367, an act to make appropriations for the support of the State Government for the fiscal year beginning September 1, 1874, and ending August 31, 1875, was taken up on its second reading, being special order for the hour.

On motion of Mr. Foote, the House went into Committee of the Whole upon the bill.

(Mr. Smith, of Grimes, in the chair.)

After discussion, the committee rose, reported progress, and asked leave to sit again at 8:30 A. M. to-morrow. The report was adopted and leave granted.

Mr. Murphy moved to take up Senate bill No. 437, to amend an act approved April 22, 1874, entitled "An act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" approved April 12, 1871. The motion carried and the bill was read first time.

On motion of Mr. Hayes, the rules were suspended and the bill was read second time.

Mr. Sayers moved to amend section one by adding to the list of counties, Gonzales. The amendment was adopted and the bill passed to third reading.

On motion of Mr. Murphy, the rules were suspended and the bill was read third time by caption.

Mr. Storey moved to amend by adding to the list of counties, Caldwell. The amendment was adopted and the bill passed.

A message from the Senate announced that the Senate had concurred in House amendments to Senate bill No. 412, "An act to incorporate the Caddo, Paris and Jefferson Branch of the Missouri, Kansas and Texas Railroad Company."

Also, that the Senate had passed House bill No. 528, an act supplemental to an act entitled "An act to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto," passed at the first session

of the Fourteenth Legislature. Also, House bill No. 402, "An act to amend sections nine, ten, eleven, fifteen, seventeen, twenty, twenty-two, and thirty-eight of an act to establish and maintain a system of public free schools in the State of Texas," passed April 30, 1873, with amendments by the Senate. Also, that the Senate had concurred in House amendments to Senate bill No. 150, "An act to grant lands to the International Railroad Company, in lieu of bonds, on a portion of the line of its road. Also, House bill No. 131, "An act to authorize the Liberty Fire Company No. 2 of the city of Houston to raise, provide for and administer a charity fund." Also, Senate bill No. 437, an act to amend an act approved April 22, 1874, entitled "An act to repeal an act act entitled 'An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" approved April 12, 1871.

Mr. Kessler moved to adjourn to 8:30 A. M. to-morrow. The House refused.

Mr. Hayes moved to adjourn to 8 P. M. which carried.

NIGHT SESSION.

House met. Roll called.

Absent—Messrs. Chambliss, Easley, Linn, Pickett, Schmidt, Simpson, Smith of Grimes, and Stewart of Montgomery.

On motion of Mr. Lea, Mr. Smith, of Grimes, was excused on account of sickness.

On motion of Mr. Edwards, Mr. Middleton was granted leave of absence for four days, beginning to-morrow.

On motion of Mr. Cochran, Mr. Ballard was excused on account of sickness.

Mr. Watts moved to suspend the call of districts, and take up the deficiency bill. The House refused:

The Tenth District being called, on motion of Mr. Wortham, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee, to whom was referred House bill No. 414, "An act defining the boundary line between Hopkins and Wood counties," have had the same under consideration, and I am instructed to report the same back and recommend that the same do pass.

BROWN, of Gregg, Chairman.

The bill was read second time, the report adopted, and bill ordered engrossed.

On motion of Mr. Wortham, the rules were suspended, bill was read third time by caption and passed.

District No. 11 was temporarily passed over.

(Mr. Kemble in the chair.)

For District No. 12, Mr. Bryan called up House bill No. 445, upon which the following report was submitted :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Public Lands and Land Office, to whom was referred House bill No. 445, entitled "An act to define duties of surveyors," have considered the same, and report it back, with the recommendation that the accompanying do pass; the substitute being entitled "An act making surveyors responsible for altering or changing established lines in certain cases."

BARZIZA, Chairman.

The substitute having been read, the report was adopted.

The substitute was adopted.

Mr. Delany moved to amend section one by inserting before the word "alter," in line seven, the word "willfully."

The amendment was adopted.

The bill was ordered engrossed.

On motion of Mr. Bryan, the rules were suspended, the bill was read third time by caption and passed.

(The Speaker in the chair.)

For the Thirteenth District, Mr. Meissner called up Senate bill No. 60, upon which the following report was submitted :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee, to whom was referred Senate bill No. 60, entitled "An act concerning the forfeiture of certain sheep and goats," have examined the same and recommend its passage with the accompanying amendment to section one. Respectfully submitted,

W. G. MILLER.

Add to section one: "*Provided*, this act shall not apply to persons owning lands in the State, nor prevent thme from herding on the same.

The amendment was adopted.

Mr. Cardis offered the following amendment: Add to section one: "*Provided*, that the county court of any county may grant a license to any person or persons to graze sheep or goats, forbidden by this act, within the limits of their respective counties, in which case this act shall not apply to such sheep or goats."

The House refused the amendment.

The bill was ordered engrossed.

On motion of Mr. Murphy, the rules were suspended, and the bill was read third time.

Mr. Cardis offered the following amendment: "*Provided*, this act shall not take effect or be in force in the county of El Paso, until otherwise provided by law."

The amendment was adopted and the bill passed.

On motion of Mr. Henderson, of Smith, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Special Committee, to whom was referred Senate bill No. 262, entitled "An act to prevent the sale of poisonous or drugged liquors," have had the same under consideration, and have instructed me to report the following substitute, and unanimously recommend its passage, instead of the said Senate bill.

HENDERSON, of Smith, Chairman.

On motion of Mr. Barziza, the report was received, and the bill laid on the table subject to call.

For District No. 14, on motion of Mr. Barziza, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Internal Improvements, to whom was referred House bill No. 514, entitled "An act to incorporate the Houston and East Texas Narrow Gauge Railroad Company, and grant State aid thereto," have considered the same and recommend its passage with the following amendment, to-wit: Strike out section fourteen, and insert in its place the following:

Section 14. That said company shall be entitled to receive from the State of Texas, a grant of sixteen sections of land for every mile of its road hereafter constructed and

put in good running order in this State ; and said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz : One-fourth in eight years, one-fourth in twelve years, and one-fourth in twenty years from the date of location of the certificates, in such manner that the whole of such lands shall pass out of the hands of said company within twenty years after the date of their location ; *provided*, that said lands shall not be alienated to any other railroad company or corporation, except so far as may be necessary for the proper use and conducting of the business of such company or corporation, nor shall said lands be alienated to any individual, firm, or company in trust for said railroad company, or to any firm or company of which any officer or stockholder of said railroad company is a member ; and a failure to comply with the provisions of this act, and the general laws of the State on the subject, or violation of the provisions of this act and such general laws, shall work a forfeiture of all the benefits of this act ; *provided*, that if said company shall construct the road herein provided for, of a less gauge than four feet eight and a half inches in width, it shall be entitled to only twelve sections of land per mile of its road constructed and put in good running order. That whenever said company shall have completed and put in good running order, as provided in this act, a section of ten miles or more of its road, they may give notice thereof to the Governor of the State, whose duty it shall be to appoint some skillful engineer (if there be no State engineer) to examine said completed road, and if upon the report of the engineer, under oath, it shall appear that said section has been constructed and equipped in a good and substantial manner, and in accordance with the provisions of the charter of the company, this act, and the general laws in this State at the time regulating railroads, thereupon it shall be the duty of the Commissioner of the General Land Office of the State to issue to said company, certificates for six hundred and forty acres each, to the amount of sixteen sections per mile so completed and reported, which said certificates shall be located and surveyed in alternate sections, the field notes and maps returned to the General Land Office, and the odd sections patented to said company, and the even sections being reserved to the State for the school fund.

The report was adopted. The substitute for section fourteen was adopted, and the bill having been read second time by caption, was ordered engrossed.

On motion of Mr. Barziza, the rules were suspended, the bill was read third time by caption and passed by the following vote:

YEAS—Mr. Speaker, Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Delany, Eastland, Farrar, Freeman, Galvan, Gellatly, Goodwin, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Kessler, Lawhon, Lea, Lindsey, Manning, McCuiston, Mitchell, McLeary, Meissner, Murphy, Oxsheer, Price, Rogers, Roberts, Sayers, Scott, Smith of Grimes, Stephens, Storey, Stuart of Falls, Triplett, Von Biberstein, Walker, Watson and Watts—46.

NAYS—Bean, Bruce, Cain, Donald, Douglass, Edwards, German, Hart, Hayes, Matthews, Middleton, Nicholson, Patrick, Rosborough, Swain and Wortham—16.

For District No. 11, Mr. McCuiston called up Senate bill No. 262, to prevent the sale of poisonous or drugged liquors:

The substitute was read.

Mr. Kessler moved to have one hundred copies of the substitute printed.

Mr. Henderson, of Smith, moved to lay that motion on the table, which carried.

Mr. Meissner moved to amend section one by inserting before the word "sell," the word "willfully."

The House refused the amendment.

Mr. Meissner moved to amend section two by striking out the words "or poison."

The House refused the amendment.

Mr. Kessler moved to postpone the bill to the next session.

The House refused to postpone.

Mr. Hayes moved the previous question, which was seconded and the main question ordered.

The substitute was adopted.

Mr. Kessler moved to adjourn. Lost.

The bill was ordered engrossed.

On motion of Mr. Henderson, of Smith, the rules were suspended and the bill read third time by caption.

Mr. Kessler moved a call of the House.

The call was not sustained.

The bill then passed.

Mr. Meissner asked that his name be recorded on the journal as voting against the passage of the bill, which was ordered.

Mr. Kessler asked that his name be entered on the journal as voting against the passage of the bill, which was ordered.

For District No. 15, Mr. Lea called up House bill No. 427, upon which the following report was submitted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee to whom was referred House bill No. 427, a bill to be entitled "An act annexing a portion of the county of Liberty to the county of San Jacinto," have had the same under consideration and recommend that I report the bill back, and recommend that it do pass.

BROWN, of Gregg, Chairman.

The bill was read second time.

Mr. Watts moved to postpone the bill to to-morrow morning.

Mr. Hayes moved to adjourn, which carried.

NINETY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 1, 1874. }

House met. Prayer by chaplain. Roll called ; quorum present. "

Absent—Mr. Patterson.

On motion of Mr. Bryan, Senate bill No. 431, to amend an act approved April 22, 1874, entitled "An act to repeal An act entitled An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements," approved April 12, 1871, was taken up and read first time.

On motion of Mr. Simpson, the rules were suspended and the bill was read second time.

Mr. Simpson moved to amend section one by adding to the list of counties named "Liberty, Chambers, Jefferson, Orange, Hardin, Polk, Tyler, Jasper and Newton." The amendment was adopted.

Mr. Smith of Travis, moved to amend section one by striking out the words "Travis, Williamson, Burnet, San-Saba, Coleman and Runnels," and "or Austin and Pacific Short Line Railroad;" also the words "either of." The amendment was adopted.

Mr. Bryan offered the following amendment: Add to section one: "*Provided* that the county of Galveston shall always have in said company a directory equivalent to the amount of stock taken by said county in said railroad." The amendment was adopted. The bill then passed to third reading.

On motion of Mr. Simpson, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. McLeary, Senate bill No. 371, to declare An act incorporating the city of San Antonio, and to grant a new charter to said city, etc., one of the unpublished laws of the Thirteenth Legislature, was taken up and read first time.

On motion of Mr. Henderson of Kendall, the rules were suspended and the bill was read second time by caption.

Mr. McLeary offered the following amendments: Amend section two so as to read as follows: All acts done by the mayor and city council of said city, or by their authority prior to the passage of this act under and by virtue of "An act to incorporate the city of San Antonio, and grant a new charter to said city," approved August 13, 1870, shall be and are hereby validated and confirmed.

Add to section three: This act shall take effect and be in force from and after its passage. The amendments were adopted and the bill passed to third reading.

On motion of Mr. McLeary, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Delany, House bill No. 402, to amend sections nine, ten, eleven, fifteen, seventeen, twenty, twenty-two and twenty-eight of "An act to establish and maintain a system of public free schools in the state of Texas," passed April 30, 1873, was taken up pending the following amendments by the Senate: *Provided*, further, That in any School District where the trustees of said District find it impracticable for the want of suitable buildings, or impossibility of obtaining teachers, competent to instruct for the minimum time required by law, such trustees may contract with any private or public schools of requisite qualification for the instruction of all children

within the scholastic age for the *pro rata* portion of the school fund, allowing such private or public school the privilege of collecting their tuition fees, exclusive of such *pro rata* portion of the school fund, from the parent, or guardian of such children willing and able to pay.

On motion of Mr. Delany, the amendment was concurred in.

Leave being granted, Mr. Stewart of Montgomery submitted the following report which was received and ordered spread upon the journal.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The joint committee of the Senate and House, appointed to ascertain and report what legislation may be necessary in the sanitary interests of the State, calling itself, for convenience, "Sanitary Committee," here report their immediate and present action upon the memorial referred to it, entitled "The preamble and resolutions adopted by the State Medical Association, lately held at Dallas, Texas, with respect to the creation of a State Board of Health, and suggesting appropriate legislation in behalf thereof." The several members of the committee have read, and with much interest, the "preamble and resolutions," together with the accompanying remarks and suggestions of Messrs. R. H. Harmon, Leonidas Hudspeth, and D. F. Stuart, the committee appointed by the Medical Association of the State to memorialize the Legislature in regard to the measures proposed, but the brief space of time left between the reception of the memorial and the period appointed for the adjournment of the Legislature, together with the constant and momentary demand of the attention of the members of your committee to the fast passing legislation, precludes the possibility of a report commensurate with the gravity and importance of the subject.

Committee therefore recommend that the preamble and resolutions named be spread upon the journals of the Senate and House, and published.

It is here deemed proper to suggest to our medical, scientific, legal and informed citizens, to give their earnest consideration to the provisions for the public health indicated in the named preamble and resolutions, at the same time to invite them to place the committee in possession of their

views, and of the information they may have in respect to the desired objects.

Committee recommend that the communication be laid before the Governor on the subject of quarantine, by Dr. Peete, Health officer of the Port of Galveston, sent by him to the House, be also published in connection with the afore named preamble and resolutions.

W. H. WESTFALL,	}	Senate Committee.
W. H. TROLINGER,		
THOS. M. JOSEPH,		
G. A. FOOTE,	}	House Committee.
G. W. MATHEWS,		
A. M. DOUGLASS,		
A. K. MIDDLETON,		
W. S. DELANY,		
C. B. STEWART,		

To the Hon. Members of the Senate and House of Representatives of the Legislature of Texas :

The undersigned, committee from State Medical Association lately in session at the city of Dallas, respectfully beg leave to submit to your consideration the following preamble and resolutions adopted by that body, with respect to the creation of a State Board of Health, and the passage of a general health law, to-wit :

WHEREAS, the Thirteenth Legislature passed a law to regulate the practice of medicine, the object of which is to protect the public health, and

Whereas, elaborate laws designated for that purpose, though commendable in the highest degree, are of comparatively recent origin and but limited growth, their effects for the good of the Commonwealth cannot be fairly estimated, and can scarcely be imagined ; therefore, be it

Resolved, That the President appoint a committee of three of the members of this Association, to memorialize the Legislature, now in session at Austin, on this subject, to the end that the State Medical Association be created a State Board of Health, and its officers made the executive officers thereof, and making it the duty of said Board of Health, so created, to consider all questions relating to the public health and its protection, throughout the State, and act upon the same ; to appoint the county boards of medical examiners for the several counties, and creating them County Boards of Health, the executive of each of which

shall be health officer for the county in which he is appointed, and required to reside at the county seat, where all involving the protection of the public health of the several counties, shall be considered and acted upon in accordance with such directions and regulations as the State Board of Health may from time to time promulgate, and report fully of the same to the annual sessions of the State Board of Health, as well as of all other matters of scientific interest or importance to the public weal, and that the proceedings of the said State Medical Association, in its character of State Board of Health, on all questions of sanitary hygienic or other scientific matter, of general or special interest or importance, be reported by the officers of said State Medical Association, annually to the Governor of the State, prior to the assemblage of the Legislature, for his action and recommendations, as in the case of other departments of the State government, and that the same be published for distribution, as other public documents are, and that one copy be furnished to each member of the Legislature, and other State officers, two copies to each of the clerks of the several county courts, and recorders of incorporated towns or cities, and two copies to each member of the State Medical Association.

It should also be made the duty of the corporate authorities of towns and cities, and county governments, to provide for the prompt and efficient execution of all sanitary and hygienic measures, the several Boards of Health may direct.

Resolved, that the President of this Association, D. K. Wallace, M. D., and Ashbel Smith, M. D., are hereby appointed a Committee of Conference, to consider and confer with the Committee on the State Board of Health, of such modifications of our constitution and by-laws, as may be necessary to facilitate the action and give effect to the decrees of this Association in its discharge of any duties that may be devolved upon it, by any general health law that may be passed.

Resolved, that this Association recognises no sectarianism in the science of Medicine. That Allopathy, Homœopathy, Hydropathy and Eclecticism, in the technical and general acceptations of these terms, are alike inimical to that broad, comprehensive, catholic science we all revere; and while we are perfectly willing to meet and contend with their several representations, on terms of equality before

the law, confident in the stability of our foundation, and vastness of our resources, we cannot, nor do not, recognise their professional competence in any respect whatever.

Adopted after extended discussion, and R. H. Harrison, M. D., of Columbus, D. F. Stuart, M. D., and L. Huds-
peth, M. D., of Houston, were appointed the committee.

It will be observed that the State Medical Association, in its adoption of the foregoing resolutions, proposes the creation of a new department in the State government, a department of health and sanitary science, the duties and the responsibilities of which it is willing to assume and discharge without cost to the State, and without fee or reward to its members, beyond the sanction of the law to its labors, and the publication, at State expense, of such matter as may demand of sufficient value.

To enable the State Medical Association to discharge the various and important duties incident to such an engagement, it is suggested that it be charged also, with the appointment of the "County Board of Medical Examiners," and that said "Boards of Examiners," be made tributary to the State Medical Association in its capacity of State Board of Health, as ex-officio County Boards of Health, thus affording a thorough and effective health organization, extending its ramifications into every county in the State.

The importance of the subject commends it to the most careful consideration of your Honorable Body. The protection of the lives, and the promotion of the prosperity of its citizens, constitutes the highest duty of a State. It is immaterial whether they are menaced by war or by pestilence; the knife of the assassin, or the ignorance of a medical mountebank or charlatan, it is equally a duty of the first magnitude. Ample provision is made, at enormous cost of time, talent and treasure, to secure all the protection possible from the ravages of war; elaborate laws are passed, and hosts of officers supported, to visit with heaviest penalties, murderers, homicides, etc. May we not, then, have a law to secure such protection as may be in our reach from epidemic and endemic pestilence? Is it not as much a duty of the State to protect its subjects from an invasion of disease, as it is to avert an attack of hostile Indians upon our frontier? The awful tribute paid by Marshall, Denison, Calvert and Columbus, is a sufficient answer. In addition to the legitimate right of the citizen to this protection from his Government, we further beg to invite

your attention to "Health Department" of the English Government, which, although it has only been efficiently organized for fifteen or twenty years, has already become a tremendous power for good, and ranking high in popular favor. Some five years ago, Massachusetts, and about the same time California, adopted general health laws, and appointed the necessary officers to execute their provisions. And now Alabama, under the direction of Professor Jerome Cochran, the distinguished health officer and sanitarian, is about to follow suit in a plan, more complex, but none the less comprehensive, than this to which we solicit your attention.

It is worthy of note too, that the American Medical Association, that "august assemblage of the medical wisdom of the nation," is urging action of this character, and proposes as soon as six States shall engraft State Medicine upon their statute books," to "form a National Health Council."

In view of these facts, and the extraordinary spectacle of epidemic, sweeping like a besom of destruction, through a number of our fairest inland towns, while our cities on the coast, under irregular and fitful sanitary rule, escaped almost scot free, your memorialists deem it unnecessary to say more in favor of the propriety or importance of the measure.

We would respectfully ask then, that this Legislature pass "a law to provide for the protection of the public health and preservation of vital statistics." Let this law invest the State Medical Association, with the functions, power and responsibilities of the State Board of Health, and authorize it to exercise such functions through its ordinary officers.

Being composed, as it is, of "representative men" of the medical profession from every section of the State, it is right and proper, that it being the only *competent* power in the State, should have the appointment of the County Boards of Medical Examiners; and by making said County Boards, ex-officio County Boards of Health, as suggested, the best men for the purpose, will, more probably be secured, and a far more effective organization attained, than any other means could accomplish.

The advantages of this programme may be considered under two heads. First, the advantages to the State, and secondly, the advantages to the profession, which however,

are reflected back, inure wholly to the State (or the public) at last. The advantages to the State are, that a vast amount of work, ordinarily accomplished at heavy expense and involving large salaries, would be performed for the trifling expense of an almost inappreciable addition to the public printer's bill. Second, it would be done more efficiently than it could possibly be done by any other practicable means.

The State Medical Association can afford to do this, because the very investigations involved in the duties of a Board of Health, the causes of epidemic and endemic disease, and the means of preventing or assisting them, the influence of climate, locality, occupations, etc., etc., on health and longevity, and all other questions affecting life and health or calculated to shed light upon the great questions of their preservation, comprise some of the paramount objects for which it was organized, and it would accomplish the work as an incidental function of its original organization; an organization already formed and already self sustaining.

I. It would be done more efficiently, because all of the legitimate medical men of any ability, in the State, would be virtually engaged in it, each contributing, from his observation and experience, something to the common stock. True, some malcontents and disorganizers, some few in the medical profession, as in every other, whose overweening vanity and arrogance blinds them to any excellence that does not emanate from themselves, might withhold their allegiance, or even deny the plan and impugn the motives of its devotees, but the number will be found too small, and their powers too feeble to detract materially from its intrinsic excellence, or mar its potency for good.

The advantages to the profession are not inconsiderable: It makes every member more or less a conservator of the public health, stimulates him to investigation and research, thus giving them an additional claim upon public confidence and esteem, at the same time that it impels them to renewed efforts to merit it.

II. It will result in more intimate business relations with the civil authorities of towns, cities, counties and even of the State itself, thus affording an advantage whereby the profession can exert a more effective influence on sanitary and other scientific questions of both professional and State interest.

III. It will serve as an additional bond of union between members of the State Medical Association, increase the interest and power of the organization, in the work for which it was designed ; and

IV. It will relieve the State Medical Association of the pecuniary burden of publishing its transactions, while it secures to the entire State the benefit of that body's labors to protect the public health and develop other matter of scientific import.

The second in the series of resolutions, appoints a committee to confer with the committee on State Board of Health, with respect to any modifications of the State Medical Association's constitution and by-laws, which may be necessary to facilitate the discharge of the duties of the Board of Health; etc. Your memorialists would merely suggest that the same corps of health officers, to secure the best results, should be continued for a term not less than four years.

The third resolution is simply a disclaimer of any desire or intention on the part of the Association, to interfere in any respect with the legal status of any of the irregular sects in medicine, except in so far as that it is the duty of the State to its subjects, to require that they furnish the credentials of the schools to the dogmas of which they profess to be devoted, or require them to pass a satisfactory examination before a competent board. The necessity for such a restriction, is so evident, the protection to life and health which it secures by excluding from practice incapable, mercenary men, of whatever school, is so palpable, that any argument of the question is deemed unnecessary. Rational or *legitimate* medicine aspires to avail itself of every resource that nature or art affords, for the accomplishment of its work. It acknowledges no dogma, it tolerates no sectarianism in medicine. The resources of the Homœopath and Hydropath, the Allopath and the Eclectic, are alike ours ; and with reason to guide us, and an open field for investigation, repudiating as disgraceful to humanity, all the hosts of *secret nostrums*, proprietary medicines and *cure alls*, with which the public are demagogued, we propose to press on in the great work of philanthropy our calling involves.

In conclusion, your memorialists would suggest that they have heard but very little of pertinent objections to the proposed plan. It has been urged, erroneously, we think,

that such a law would be "practically inoperative" in a "large majority of the counties," and "in case of incompetent, speculative or visionary County Health Officers, may be annoying and troublesome." "Simply that and nothing more." With respect to the second "count in this indictment," if it is remembered, the State Medical Association, comprising the assembled medical and sanitary wisdom of the State, is not only to appoint the County Boards, but to determine the general sanitary and hygienic outline to be observed by them, there is very little of weight left to the objection. But if it is still deemed unsafe to entrust so huge a grant of power to County Boards, so selected and restricted, why, since the medical profession is by no means anxious to force favors upon the public, the law might leave it optionary with corporate or county authorities to coöperate with the several Boards of Health or not, as in their cultivated wisdom and discretion, they might deem best. But even in case it did not "suit the fancy" or accord with their judgment of corporate or county authorities to coöperate with the County Boards of Health, by the requisite facilitating action, the duties of such boards would not be merely nominal. The observation of disease, and the influence of climate, locality, profession, the vicissitudes of the seasons, temperature, rainfall, and vital statistics would afford an ample field and a fruitful one for such boards to occupy their powers in; and the matter thus accumulated, when procured and moulded into shape by the central health bureau, as it would exist in the State Medical Association, would be of more benefit to the State, independent of its value in the preservation of life and health, than all the immigration agents the State has ever supported.

It is only the very few sparsely populated counties, where properly qualified men, to fill the County Boards, cannot be found, that the law will be inoperative or valueless.

Respectfully submitted,

R. H. HARRISON,	} Committee.
LEONIDAS HUDSPETH, M. D.,	
D. F. STUART, M. D.	

Mr. Stewart, of Montgomery, also submitted the following report which was ordered spread upon the journal:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Sanitary Legislation, have duly considered the petition of the citizens of adjoining neighborhoods in the counties of Montgomery, Harris and Waller, asking for the passage of an act permitting Mr. Thomas Rogerson to practice medicine. The petitioners speak in such high terms of Mr. Rogerson's moral character and qualities, that no doubt can be entertained of his being an estimable and respected citizen, but the present Legislature having so recently refused to repeal the law regulating the practice of medicine, Committee is thereby, were there no other considerations, restrained from offering any provision in favor of the petition. Committee would respectfully admonish Mr. Rogerson, (and at the same time all other gentlemen occupying his position), that the requisite skill and ability to practice any profession, whether of medicine or of science, or learning, or of the arts, is attained only by continued and systematic study and exertion; there is no royal or short road to learning. They would therefore, with their best wishes for his success, suggest to him, to seek the aid and instruction of the nearest "Board of Medical Examiners," and become thereby, after pursuing the course of studies it may prescribe, enabled to obtain the certificate required by law.

A message from the Senate announced the passage by that body of the following bills :

Senate bill No. 151½, for the relief of the heirs of James J. George, deceased.

Senate bill No. 207, to provide for the disposal of certain lands belonging to the State of Texas, known as the "Indian Reservation."

House bill No. 449, an act to amend an act approved March 4, 1871, entitled "An act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State," approved August 10, 1870.

House bill No. 88, an act to create a lien in favor of the proprietors of livery or public stables, with amendments.

Senate bill No. 438, to incorporate the Round Top Rifle Association.

Senate bill No. 439, to regulate the times of holding the District Courts in the Twenty-fourth Judicial District.

Also, that the Senate had concurred in the House amendments to Senate bill No. 437, "An act to amend an act

approved April 22, 1874, entitled 'an act to repeal an act entitled an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,''' approved April 12, 1871, and in the House amendments to Senate bill No. 431, an act to amend an act approved April 22, 1874, entitled an act to repeal "An act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvements," approved April 12, 1871.

Also, the passage of House bill No. 250, to protect the enclosed lands of any person from trespass by shooting, hunting, fishing or fowling.

Senate bill No. 413, an act making an appropriation to pay the interest on the bonded indebtedness of the State, and the interest on State Treasury Warrants.

Senate bill No. 242, an act to provide for the removal from office of district attorneys, sheriffs, district clerks and other officers, and for filling vacancies in such offices.

Senate joint resolution No. 435, authorizing the board of school directors in Gonzales county to use any funds, available in that county, to prevent the sacrifice of certain property.

Also, that the Senate had concurred in the House amendments to Senate bill No. 158, an act providing for the condemnation and sale of damaged and useless arms, equipments and ammunition belonging to the State, and had passed.

Senate bill No. 145, an act authorizing and requiring the issuance of land certificates to certain parties herein named.

On motion of Mr. Goodwin, Senate bill No. 384, to amend the title and section one of "An act entitled 'an act to incorporate the Bryan Real Estate and Building Association,''' approved May 25, 1871, was taken up and read first time.

On motion of Mr. Goodwin, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Goodwin, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Smith, of Grimes, Mr. Sadler was granted leave of absence for three days beginning to-morrow.

On motion of Mr. Hayes, Senate bill No. 216, to validate the acts of certain Notaries Public, was taken up and read first time.

On motion of Mr. Reeves, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Hayes, the rules were further suspended, the bill was read third time by caption and passed.

On motion of Mr. Rogers, Senate bill No. 318, to amend the caption of an act entitled "An act to incorporate the Rockport, Fulton and Laredo and Mexican Pacific Railroad Company," approved March 11, 1871, and to change the name of said Railroad Company, was taken up, read first time, rules suspended, read second time by caption and passed to third reading.

On motion of Mr. Lawhon, the rules were further suspended, the bill was read third time by caption and passed.

On motion of Mr. Douglass, Senate bill No. 207, to provide for the disposal of certain lands belonging to the State of Texas, known as the "Indian Reservation," was taken up and read first time.

On motion of Mr. Douglass, the rules were suspended and the bill was read second time by caption.

Mr. Epperson moved to refer the bill to the Committee on Public Lands and Land Office, which carried.

On motion of Mr. Galvan, Senate bill No. 102, for the protection of the wool growing interest of the State, was taken up, read second time and passed to third reading.

On motion of Mr. Henderson, of Kendall, the rules were suspended, the bill was read third time by caption and passed.

Report from the Committee on Engrossed Bills :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully examined and compared House bill No. 414, "An act defining the boundary lines between Hopkins and Wood counties," also House bill No. 445, "An act making surveyors responsible for altering or changing established lines in certain cases," also House bill No. 262, "An act to prevent the sale of poisonous, drugged or adulterated liquors, and find the same correctly engrossed.

L. J. STOREY, Chairman.

The special order was resumed, Senate bill No. 367, to make appropriations for the support of the State govern -

ment for the fiscal year beginning September 1, 1874, and ending August 31, 1875.

The House went into Committee of the Whole.

Mr. Smith, of Grimes, was called to the chair.

After discussion, the Committee rose, reported progress, and asked leave to sit again at 3 P. M., which was granted.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills, have carefully examined and compared House bill No. 514, entitled "An act to incorporate the Houston and East Texas Narrow Gauge Railroad Company, and grant State aid thereto," and find the same correctly engrossed.

L. J. STOREY, Chairman.

On motion of Mr. Hayes, the House adjourned.

EVENING SESSION.

House met. Roll called ; quorum present.

Absent—Messrs. Epperson, Lea, Linn, Oxsheer, Rosborough, Simpson and Stewart, of Montgomery.

Senate bill, No. 367, an act to make appropriations for the support of the State Government, for the fiscal year, beginning September 1, 1874, and ending August 31, 1875, was resumed. The House went into Committee of the Whole upon the bill.

Mr. Smith, of Grimes, was called to the chair.

After discussion, the committee rose and recommended the passage of the bill with the following amendments :

Executive Department.—Line two, strike out \$1500 and insert \$1800 ; line three, strike out \$1200 and insert \$1500.

State Department.—Line three, strike out \$1200 and insert \$1500 ; and strike out \$2400 and insert \$3000.

Attorney General's Department.—Strike out line two, and insert in lieu thereof, salary of two clerks, one at \$1800, the other at \$1500. \$3300.

Judiciary Department.—Strike out lines ten and eleven.

General Land Office.—Salary of Commissioner, \$3000 ; salary of Chief Clerk, \$2000 ; salary of Receiver, \$1800 ; salary of Examining Clerk, \$1600 ; salary of Translator, \$2000 ; salary of Chief Draughtsman, \$1800 ; salary of thirty-four Draughtsmen and Clerks, at \$1500 each, \$51,000 ; books, stationery and furniture, \$2000 ; porter hire, \$300 ; wood, \$200 ; postage, \$500. \$66,000.

Treasury Department.—Line two, strike out \$1800 and insert \$2000 ; line three, strike out \$1500 and insert \$180.

Department of Education.—Line one, strike out \$2500 and insert \$3000 ; line two, strike out \$1200 and insert \$1800 ; add between lines two and three, salary of one Assistant Clerk, \$1600.

Comptroller's Office.—Line two, strike out \$1800 and insert \$2000 ; line three, strike out \$1500 and insert \$1800 ; line four, strike out \$1500 and insert \$1800 ; line six, strike out \$1200 and insert \$1500 ; and strike out \$18,000 and insert \$22,500 ; line twelve, strike out \$500 and insert \$1100.

Adjutant General's Department.—Line one, strike out \$2400 and insert \$3000 ; line two, strike out \$1200 and insert \$1600 ; add between lines six and seven, rent of house for storing arms, etc., \$750.

Bureau of Immigration.—Line one, strike out \$2000 and insert \$3000 ; strike out line two ; strike out line six ; line eight, strike out \$500 and insert \$100 ; strike out lines ten, eleven, twelve and thirteen.

Lunatic Asylum.—Line fifteen, strike out \$15,000 and insert \$20,000 ; add at end of section, for furnishing the new addition, \$5000.

Miscellaneous.—Add after the word "Capitol," "under the direction of the Adjutant General ;" also, for repairing and rehanging the portraits of Washington, Houston, Austin and Burleson, now on the walls of the Senate Chamber and Representative Hall, \$750.

Add Section 3. Section 3. That the items in all accounts presented to the Comptroller, under this act, shall be set forth fully at length, and unless such items be so specifically set forth, the Comptroller is hereby inhibited from drawing any warrant in favor of any such account.

The report was adopted, adopting the amendments.

Mr. Wortham moved to amend by inserting under head of Treasury Department, after line three, one additional clerk at \$1500.

Mr. Watts moved to lay the motion on the table. Lost.

The amendment was then adopted and bill passed to third reading.

On motion of Mr. Storey, the rules were suspended, and the bill was read third time by caption.

Mr. Eastland offered the following amendment : Under School Department, add for taking scholastic census \$8000.

The House refused to adopt the amendment by the following vote :

YEAS—Messrs. Ballard, Barziza, Beck, Brown, of Harrison, Cochran, Delany, DeMorse, Eastland, Edwards, Farrar, Galvan, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Kendall, Kemble, Kessler, Lawhon, Lindsey, Manning, Mitchell, Meissner, Reeves, Rogers, Roberts, Schmidt, Scott, Smith of Travis, Stephens, Storey, Stewart of Montgomery, Triplett, Von Biberstein and Wortham—38.

NAYS—Messrs. Brown of Gregg, Bruce, Cain, Chambliss, Donald, Foote, Gellatly, Henderson of Smith, Jenkins, Johnson, Massey, McCuiston, McLeary, Miller, Murphy, Nicholson, Oxsheer, Patrick, Pickett, Price, Rosborough, Simpson, Smith of Grimes, Stuart of Falls, Swain and Watson—26.

Mr. Johnson moved the previous question, which was seconded and the main question ordered.

The bill then passed by the following vote :

YEAS—Mr. Speaker, Ballard, Barziza, Beck, Brown of Gregg, Brown of Harrison, Bruce, Cardis, Chambliss, Donald, Farrar, Foote, Galvan, Hart, Henderson of Smith, Henderson of Kendall, Lawhon, McLeary, Murphy, Oxsheer, Patrick, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Schmidt, Scott, Smith of Travis, Stephens, Storey, Stewart of Montgomery, Swain and Watts—35.

NAYS—Messrs. Anderson, Cain, Cochran, Delany, DeMorse, Eastland, Edwards, Gellatly, German, Goodwin, Harris, Harrison, Hayes, Jenkins, Johnson, Kemble, Kessler, Lindsey, Manning, Massey, McCuiston, Mitchell, Meissner, Miller, Nicholson, Simpson, Smith of Grimes, Stuart of Falls, Triplett, Von Biberstein, Watson and Wortham—32.

Leave being granted, Mr. Galvan introduced a joint resolution levying a supplemental tax, which was read first time.

Mr. Jenkins moved to lay the joint resolution on the table, which carried.

A message from the Senate announced the passage by that body of Senate bill, No. 147, to punish returning officers of elections, for refusing to give certificates of election to parties entitled to the same.

Senate bill, No. 129, to prevent estraying within certain dates.

House bill, No. 302, to regulate Life and Health Insurance Companies, and all associations, partnerships or individuals doing Life and Health Insurance business, incorporated within or without the State of Texas, with amendments by the Senate.

On motion of Mr. Manning, the last bill above mentioned was taken up, pending the following amendment by the Senate:

Amend by striking out in first section, after the word "service," in sixty-second line, all down to and inclusive of the word "cases," in sixty-sixth line, and inserting instead thereof, as follows: *Provided*, that upon the passage of this act, suits may be commenced against such company or association in any county of this State where loss has accrued by process as in other cases, served upon any authorized agent or attorney of such company.

The House concurred in the amendment.

House joint resolution, No. 286, relating to those who lost limbs during the late civil war, being residents of Texas, was taken up pending the following amendment:

Strike out "or in the Federal army," wherever it occurs in the joint resolution.

The amendment was concurred in.

House bill, No. 88, to create a lien in favor of the proprietors of livery or other public stables, was taken up pending the following amendment by the Senate:

Add to section one, the following: "And hotels and boarding-house keepers, shall have the same lien upon all property or baggage deposited with them."

The amendment was concurred in.

The following communication from his Excellency, the Governor, was received and ordered spread upon the journal.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 1, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—I have the honor to hand you herewith the captions of all bills and joint resolutions passed by the Legislature and approved by me since April 15, 1874.

Very respectfully,

RICHARD COKE.

House bill No. 480, "An act to amend the fourth section of an act entitled 'an act to establish, organize and define the powers of the criminal district court in and for the cities of Dallas, McKinney and Sherman,' passed June 4, 1873," approved April 17, 1874.

House bill No. 55, "An act to suspend the powers of an act entitled 'an act to levy a special tax in the county of Angelina,' passed May 23, 1873," approved April 17, 1874.

House bill No. 510, "An act to reassess taxes in certain cases," approved April 17, 1874.

House bill No. 77, "An act to amend the first section of an act entitled 'an act to incorporate the Texas Banking and Insurance Company,' approved the twenty-eighth day of June, A. D. eighteen hundred and seventy," approved April 17, 1874.

Senate bill No. 8, "An act to reorganize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and to fix the time for holding the courts therein," approved April 17, 1874.

Senate bill No. 52, "An act to confer jurisdiction of certain civil cases on the courts in the several counties in this State," approved April 17, 1874.

House bill No. 48, "An act to reorganize Young county," approved April 17, 1874.

House bill No. 213, "An act relating to the headright claim of Louis Rosseau to three hundred and twenty acres of land," approved April 17, 1874.

Senate bill No. 27, "An act to amend sections five (5), eight (8), seventeen (17) and nineteen (19) of an act entitled 'an act to incorporate the Orange, Jasper and Shelby Rail-Road Company, and to aid in the construction of their road,'" approved April 20, 1874.

Senate bill No. 233, "An act to enable clerks of the district courts in certain counties to qualify as justices of the peace," approved April 20, 10:25 A. M., 1874.

Senate bill No. 110, "An act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," approved April 20, 1874.

Senate bill No. 89, "An act to incorporate the South-western Railroad Company, and to grant lands to aid in the construction of its road," approved April 20, 1874.

House bill No. 32, "An act authorizing clerks of the district court and justices of the peace to issue writs of garnishment in certain cases herein provided," approved April 20, 1874.

House bill No. 252, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners, the survivors of the company of Captain Dawson, who was massacred near San Antonio in the year 1842; the survivors of those who were captured at the city of San Antonio in the fall of the year 1842 and taken to the Castle of Perote and confined therein, and the survivors of Deaf Smith's Spy company, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of thirteenth of August, 1870, previous to first of July, 1874," approved April 21, 1874.

House bill No. 70, "An act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,' approved April 12, 1871," approved April 22, 1874, at 12 M.

House bill No. 331, "An act to repeal sections thirty and thirty-one of 'an act to organize the courts of Justices of the Peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," approved April 23, 1874.

House joint resolution No. 34, "Joint resolution authorizing the Board on Public Printing to receive certain printing as therein specified," approved April 23, 1874.

House bill No. 406, "An act to add the county of Waller to the Twenty-ninth Judicial District," approved April 23, 1874.

House bill No. 221, "An act to amend the fourth section of an act entitled 'an act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter,' approved November 12, 1866," approved April 23, 1874.

House bill No. 388, "An act concerning private corporations," approved April 23, 1874.

"An act regulating the order of business in the district court of Karnes county," vetoed April 24, 1874.

House bill No. 113, "An act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General of Texas in collecting the State arms," approved April 20, 1874.

House bill No. 386, "An act to amend an act to fix the times of holding the district courts of the Twenty-first Ju-

dicial District of the State of Texas, approved June 4, 1873," approved April 24, 1874.

Senate bill No. 311, "An act to authorize the International and Great Northern Railroad Company to issue bonds," approved April 24, 1874.

House bill No. 174, "An act to provide for the sale of the alternate sections of lands as surveyed by railroad companies, and set apart for the benefit of the common school fund," approved April 24, 1874.

House bill No. 463, "An act authorizing the Judge of the Twenty-eighth Judicial District to hold a special term of court in Brazos county," approved April 24, 1874.

House bill No. 341, "An act to provide for the amendment of town and city charters," approved April 24, 1874.

House bill No. 405, "An act to encourage irrigation in El Paso county, by granting land in aid thereof," approved April 25, 1874.

House bill No. 387, "An act to provide for the sale of the land granted to the Deaf and Dumb, the Lunatic and Blind Asylums," approved April 25, 1874.

Senate bill No. 364, "An act to incorporate the Hearne, Belton and North Western Railroad Company, and aid in constructing the same, by granting lands thereto," approved April 25, 1874.

Senate bill No. 148, "An act to limit the amount to be issued in bonds of the State to the International Railroad Company and to provide for the payment of the same," approved April 25, 1874.

House bill No. 432, "An act validating the authentication and registration of certain instruments of writing," approved April 27, 1874.

Substitute Senate bill for House bill No. 6, "An act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to first day of July, 1873, and to provide for the payment of the same," approved April 27, 1874.

House bill No. 524, "An act supplemental to 'an act to further provide for the sale of bonds to pay the public debt,' approved April 13, 1874," approved April 27, 1874.

Senate bill No. 99, "An act to regulate pawnbrokerage," approved April 28, 1874.

House bill No. 489, "An act to extend the provisions of House bill No. 16, entitled 'an act to encourage stock raising, and for the protection of stock raisers,' to the coun-

ties of Liberty, Orange, Chambers and Jefferson," approved April 28, 1874.

House bill No. 440, "An act to amend 'an act prescribing the times of holding the district courts in the several Judicial Districts in the State,' approved August 10, 1870," approved April 28, 1874.

House bill No. 383, "An act to amend an act entitled 'an act to authorize the county court of Comanche county to issue bonds in the name of said county for the purpose of erecting public buildings and to fund the present indebtedness of said county,'" approved April 28, 1874.

Senate bill No. 165, "An act to be entitled an act to provide for a special registration of voters in any unorganized county within the State of Texas," approved April 28, 1874.

House bill No. 299, "An act prescribing the time of holding the district courts of the Thirty-fourth Judicial District," approved April 28, 1874.

Senate bill No. 97, "An act to require district clerks and other officers, authorized and permitted by law to take acknowledgments and proof of deeds and other instruments, to keep a record of the same," approved April 28, 1874.

House bill No. 373, "An act to incorporate the Gonzales Tap Railway Company," approved April 28, 1874.

Senate bill No. 430, "An Act supplemental and amendatory of an act entitled 'an act to incorporate the Texas and Midland, Gulf and New Orleans Railway, and to aid in the construction of the same,' passed at the present session of the Legislature," approved April 29, 1874.

Senate bill No. 240, "An act to incorporate the Texas Midland, and Gulf and New Orleans Railway, and to aid in the construction of the same," approved April 29, 1874.

Senate bill No. 408, "An act to amend section thirty-nine of an act entitled 'an act to encourage stock raising and for the protection of stock raisers,' approved March 23, 1874," approved April 29, 1874.

Senate bill No. 423, "An act to authorize the Judge of the Seventh Judicial District to hold a special term of the district court of the county of Marion," approved April 29, 1874.

Senate bill No. 416, "An act to authorize the Judge of the Twenty-fifth Judicial District to hold a special term of

the district court in the county of El Paso," approved April 29, 1874.

Senate bill No. 78, "An act to define the land districts of Palo Pinto, Jack, Clay, Young and Eastland," approved April 29, 1874.

Senate joint resolution No. 427, "Joint resolution granting leave of absence to the Hon D. D. Claiborne, Judge of the Seventeenth Judicial District," approved April 29, 1874.

Senate joint resolution No. 340, "Joint resolution relative to the cession of a certain portion of territory from the State of Texas. "Whereas, there is a small area of territory belonging to the State of Arkansas, known as La Fayette county, on the west side of Red River; and whereas, it is desirable to make Red River the dividing line between the two States," approved April 29, 1874.

Senate bill No. 335, "An act to provide for the safe keeping of the furniture and fixtures belonging to the public halls of the capitol, the public library, and to provide for the improvement of the Capitol grounds and State cemetery," approved April 29, 1874.

Senate bill No. 421, "An act to amend section seven of an act entitled 'an act prescribing the time of holding the district courts in the several judicial districts in the State,' approved August 10, 1870, and to repeal the act passed February 17, 1873, amendatory of the above entitled act," approved April 29, 1874.

Senate bill No. 402, "An act to validate the election for a corporation and officers of the corporation of the town of Carthage," approved April 29, 1874.

Senate bill No. 405, "An act prescribing the times of holding the district courts in the Twenty-ninth Judicial District, and repealing all other acts in conflict with this act," approved April 29, 1874.

House bill No. 407, "An act to incorporate the Henderson and Overton Branch Railway Company," approved April 29, 1874.

Senate bill No. 288, "An act to legalize the unconditional certificate of three hundred and twenty (320) acres of land issued to Josiah Powers," approved April 29, 1874.

House bill No. 511, "An act to amend the tenth section of an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the

State,' approved August 10, 1870," approved April 29, 1874.

House bill No. 222, "An act to require the Commissioner of the General Land Office to furnish copies of surveys and field notes to the counties of the State," approved April 29, 1874.

House bill No. 416, "An act to incorporate the Alamo Rifles of the city of San Antonio," approved April 29, 1874.

House bill No. 186, "An act for the relief of certain citizens of Limestone and Walker counties," approved April 29, 1874.

Senate bill No. 127, "An act to improve the navigation of Sabine, Neches and Angelina rivers and Pine Island bayou, in the State of Texas," approved April 29, 1874.

House bill No. 435, "An act to amend 'an act to provide for districting the State of Texas into judicial districts,' approved July 8, 1870," approved April 30, 1874.

Senate bill No. 277, "An act amendatory of and supplementary to an act entitled 'an act to regulate the assessment and collection of taxes,' approved May 31, 1873," approved April 30, 1874.

Senate bill No. 136, "An act to extend the time for the construction of works of internal improvement," approved April 30, 1874.

House bill No. 413, "An act to annex a portion of the county of Harrison to Marion, and to establish the boundary line between said counties," approved April 30, 1874.

House bill No. 79, "An act to extend the area and enlarge the county of Gregg," approved April 30, 1874.

House bill No. 305, "An act to define the land districts of Brown and San Saba," approved April 30, 1874.

House bill No. 522, "An act to authorize and require the Secretary of State to distribute certain books and documents," approved April 30, 1874.

House bill No. 509, "An act to provide for the locating of county seats in such counties of the State that are without county seats," approved April 30, 1874.

House bill No. 525, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places," approved April 30, 1874.

House bill No. 528, "An act supplemental to an act entitled 'an act to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto,'

passed at first session of the Fourteenth Legislature," approved May 1, 1874.

House bill No. 365, "An act to incorporate the Houston and Brazos Canal and Navigation Company and to grant State aid thereto," approved May 1, 1874.

Senate bill No. 79, "An act to regulate the conduct of public officers in certain cases," approved May 1, 1874.

Senate bill No. 86, "An act to incorporate the Southwestern and Rio Grande Railroad Company and aid in the construction of the same," approved May 1, 1874.

On motion of Mr. Storey, the House adjourned to 8 P. M.

NIGHT SESSION.

House met; roll called; quorum present.

Absent—Messrs. Brown of Gregg, Lea, Linn, Massey, Pickett and Schmidt.

Mr. Cardis moved to take up Senate bill No. 434, to repeal "An act to incorporate the town of Ysleta, in El Paso county," approved May 7, 1873, which carried.

The bill was read first time.

On motion of Mr. Cardis, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Cardis, the rules were suspended, the bill was read third time and passed.

Mr. Watson moved to reconsider the vote on last night, passing Senate bill No. 262, to prevent the sale of poisonous or drugged liquors.

Mr. Triplett raised the point of order, that the time within which a motion to reconsider could be entertained, had elapsed.

The Speaker decided the point well taken.

District No. 16, being next in order, Mr. Scott called up Senate bill No. 436, supplemental to "An act to create the county of Lee," approved April 14, 1874, which was read first time.

Mr. Price moved to postpone the further consideration of the bill until the next session of the Legislature.

The House refused.

The bill passed to second reading.

On motion of Mr. Scott, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Scott, the rules were suspended, the bill was read third time and passed by the following vote:

YEAS—Mr. Speaker, Anderson, Ballard, Barziza, Bean, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cardis, Cochran, Douglass, Eastland, Edwards, Freeman, Galvan, German, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jenkins, Kemble, Kessler, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, Oxsheer, Rosborough, Sadler, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein and Watts—47.

NAYS—Messrs. Donald, Foote, Gellatly, Manning, Matthews, McCuiston, Patrick, Price, Reeves, Rogers, Roberts, Walker, Watson and Wortham—14.

Mr. Smith, of Grimes, moved to take up House bill No. 527, "An act to ascertain the deficiencies of the several departments of the State for the fiscal year ending the thirty-first of August, A. D. 1874, and amounts due individuals, and to appropriate money to pay the same." The motion carried.

On motion of Mr. Smith, of Grimes, the House went into Committee of the Whole upon the bill. Mr. Smith, of Grimes, was called to the chair. After discussion, the committee rose and recommended the adoption of the following amendments, and, thus amended, the passage of the bill: "Section one, line eleven, strike out '\$500' and insert '\$1250.' After line thirteen, insert 'for salary of Hon. E. B. Pickett, Special Judge of the First Judicial District, from February 9 to March 16, 1874, \$345.96.' Add to end of line thirteen 'to be paid out of the common school fund.' Line fourteen, strike out '\$368,600' and insert '\$255,000.' Line twenty-seven, strike out '\$8000' and insert '\$8486.' Amend by inserting between lines thirty and thirty-one 'for Louis T. Valentine, \$300; for C. R. Hughs and C. N. Randolph, \$205.' Strike out line thirty-five. Between lines twenty-three and twenty-four insert 'for claim of A. B. Norton for printing, \$783.' Add to section one, line thirty-five, 'for O. H. Millican, for lightning rods for Capitol, \$160.' Add to section two: '*provided*, that should any of the amounts of deficit in this bill mentioned and specified be found by said auditorial board to have accrued prior to the fifteenth day of January, A. D. 1874, then in that case it shall be the duty of said board to proceed to audit said amounts, and to ascertain such amounts as may be due and unpaid, and said

amounts so ascertained shall be paid out of the fund derived from the sale of bonds to pay the floating debt of this State by virtue of an act entitled 'An act to provide money to pay the floating indebtedness of the State,' approved March 4, A. D. 1874, and no other.' Line twenty-one, section two, after the word 'letter' insert 'of Governor Davis and the Adjutant General.' " The amendments were adopted.

Mr. Henderson, of Smith, moved to insert after the word "county," in line twenty-seven, "to be paid out of the Common School Fund."

The amendment was adopted.

Mr. Storey moved to add the following additional section: "Sec. 3. That this act take effect and be in force from and after its passage."

The section was adopted.

The bill was ordered engrossed.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time by caption and put upon its passage.

A quorum not voting, Mr. Triplett moved a call of the House, which was sustained and ordered.

Absent—Messrs. Brown, of Gregg, Cain, DeMorse, Foote, Freeman, Gellatly, Johnson, Lawhon, Lea, Lindsey, Linn, Massey, Mitchell, Pickett, Sadler, Schmidt, Simpson and Stewart of Montgomery. The sergeant-at-arms was dispatched for the absentees.

Messrs. Mitchell and Lindsey having come in, on motion of Mr. Triplett, the call was suspended.

The bill then passed by the following vote:

YEAS—Mr. Speaker, Anderson, Barziza, Bean, Beck, Brown of San Saba, Bruce, Cardis, Chambliss, Cochran, Delany, Donald, Douglass, Eastland, Edwards, Epperson, Farrar, Galvan, German, Goodwin, Harris, Hart, Hayes, Henderson, of Smith, Henderson of Kendall, Jenkins, Kemple, Kessler, Lindsey, Mitchell, McLeary, Miller, Murphy, Nicholson, Oxsheer, Patrick, Price, Reeves, Rogers, Rosborough, Roberts, Scott, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—54.

NAYS—Messrs. Ballard, Brown of Harrison, Harrison, Manning, Matthews, McCuiston and Meissner—7.

Mr. Chambliss submitted the following report, which was read and ordered spread upon the journal:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Asylums beg leave to supplement their report of the twenty-eighth of March, relative to the frauds perpetrated at the State Lunatic Asylum, under the management of the late Board.

At the time that report was made, it was not deemed advisable to some to make as full and explicit a report as the facts in the case would appear to warrant, but now that several criminal prosecutions have been commenced, and justice, though traveling slowly, is about to overtake some of those implicated in these gigantic frauds, we deem it our duty to present to the public some additional facts.

In our former report it was stated, "the State has undoubtedly lost upwards of \$50,000 by the collusion of the steward of the asylum, who is the purchasing agent, with merchants and others, bills of goods purchased being overcharged, and receipts for money paid being given, for which no goods were ever delivered. In one bill alone, amounting to over \$15,000, appears a deficiency of \$1987.64 for goods invoiced the asylum, which were not delivered, and we have ascertained that a portion of these were carried to the residence of W. H. Green, and appropriated to his own use and benefit." These goods were divided between Green, the steward, James P. Newcomb, member of the Board of Managers, and A. S. Mair, of the firm of Stuart & Mair, commission merchants of this city, who received and forwarded the goods.

As an evidence of the extent to which bills of goods were fraudulently overcharged, and the *modus operandi* adopted, we will instance the following:

In October last, the steward of the asylum drew \$50 to defray his expenses to Galveston, to make purchases for the asylum, and among other bills of goods purchased the following, which we give in extenso, that the comparison can be made item by item, viz:

GALVESTON, TEXAS, Oct. 10, 1873.

Messrs. Stuart & Mair, for Lunatic Asylum, Austin,

Bought of Leon & H. Blum.

16 pieces	bessemer, double cloth, 673½,	at 50....	\$336 88
10 "	rock jeans, 468½,	at 40.....	187 50
11 "	Brunswick jeans, 525,	at 30.....	157 50
Carried forward,			\$681 88

	Amount brought forward	\$681 88
12 pieces	star and ripka cottonade, 476½, at 22..	104 78
10 "	Welch Silverlake jeans, 465½, at 50...	232 75
10 "	Southwark jeans, 407½, at 50.....	203 75
6 "	indigo blue stripes, 322½, at 16.....	51 64
6 "	ex. heavy plaids, 266½, at 18½.....	49 30
2 "	denims, 123, at 16.....	19 68
10 "	Canton flannel, 497½, at 18.....	89 55
1 "	Shaker flannel, 24½, at 55.....	13 62
1 "	white wool flannel, 26½, at 85.....	22 32
1 "	plaid flannel, 52, at 45.....	23 40
10 "	turkey red, 580, at 22.....	127 60
6 "	R. brown, 221½, at 15½.....	34 36
10 "	assorted prints, 435½, at 11.....	47 91
10 "	red flannel, 310½, at 35.....	108 59
4 "	10½ brown, 139, at 44.....	61 16
25 "	cotton tick, 1201½, at 19.....	228 32
5 "	ringtwist tick, 225½, at 30.....	67 58
15 "	brown drill, 624½, at 16.....	99 92
10 "	H. ¾ brown, 445, at 10½.....	46 73
15 "	4-4 brown, 505, at 13.....	65 65
5 "	4-4 standard brown, 200, at 13½.....	27 00
100 pairs	buff blankets, at 3.25.....	325 00
100 "	buff blankets, at 4.25.....	425 10
20 "	white blankets, at 8.50.....	170 00
2 pieces	tricot, 56, at 85.....	47 60
2 "	pink prints, 82½, at 12.....	9 93
25 "	wool linsey, 892½, at 30.....	267 75
	Assorted merchandise.....	140 00
	Cases.....	25 00
	Drayages.....	3 00
		\$3,820 77

These goods were shipped through Stuart & Mair, opened in their warehouse on Sunday, many articles abstracted, and the remainder sent to the asylum with a new invoice, as follows:

State Lunatic Asylum,

Bought of Stuart & Mair.

16 pieces	bessemer, double cloth, 753¾, at 1.00...	\$753 75
10 "	rock jeans, 558¾, at 75.....	419 06
11 "	Brunswick jeans, 625, at 72.....	450 00
12 "	Star and R. cottonade, 486, at 45.....	218 70
10 "	Welch jeans, 555½, at 80.....	444 40
	Carried forward	
		\$2285 91

Amount brought forward		\$2285 91
10 pieces	Southwark jeans, 497½, at 1.00.....	494 50
6 "	indigo stripes, 422¾, at 25.....	105 69
6 "	H. 1-9 plaid, 346½, at 35.....	121 27
2 "	denims, 123, at 29.....	35 67
10 "	Canton flannel, 525½, at 32.....	168 16
1 "	Shaker flannel, 24¾, at 75.....	18 56
1 "	W. wool flannel, 36½, at 1.70.....	61 63
10 "	red flannel, 372¼, at 65.....	231 96
1 "	plaid flannel, 52, at 90.....	46 80
10 "	Turkey red, 580, at 37½.....	217 50
6 "	R. brown, 221¾, at 31½.....	69 85
10 "	assorted prints, 507½, at 16½.....	83 74
5 "	10 qr. brown, 174, at 75.....	130 50
15 "	brown drilling, 724½, at 22.....	159 39
25 "	bed ticking, 1351¾, at 35.....	473 12
5 "	ring twist, 235¼, at 50.....	117 63
10 "	H. 3qr. brown, 665, at 18½.....	123 02
15 "	H. 4qr. brown, 605, at 25.....	150 75
5 "	stomard brown, 240, at 26.....	62 40
100 pairs	buff blankets, at 6.50.....	650 00
100 "	buff blankets, at 8.50.....	850 00
19 "	white blankets, at 15.00.....	285 00
2 pieces	tricot, 84, at 1.50.....	126 00
3 "	pink prints, 123¾, at 18.....	22 28
25 "	linsey woolsey, 992½, at 50.....	496 25
cases, packing, etc.		28 00

Austin, October 20, 1873.

\$7,678 58

This bill is endorsed "Examined and approved, M. A. Taylor, president Board of Managers."

The original invoice amounts to.....\$3,820 77

The doctored one.....7,678 58

Showing an overcharge of.....3,857 81

or over one hundred per cent. on cost.

Of two hundred and nineteen pair of blankets, costing \$911 50, but for which the State paid Stuart & Mair \$1,785, only one hundred and sixty-three were delivered at the Asylum.

The deficiency of clothing, which was divided as heretofore stated, amounted in value to the sum of \$1,987 64, which added to the overcharge amounts to \$5,845 45, and that in the clothing bill alone, and we are satisfied that in every invoice that passed through their hands for pur-

chases for the Asylum, figures were raised to over one hundred per cent., and the State swindled out of over \$100,000, instead of \$50,000 as estimated in our previous report.

In another bill occur the following items purchased by the Steward, viz.:

2	pieces Red Table Damask, 73 at 1.10.....	\$ 80 30
1	“ Turkey Red Damask, 36 at 1.35.....	48 94
3	“ Brown Damask, 119 at 60.....	71 55

\$200 79

The original invoice was changed to read as follows, viz.:

2	pieces Red Damask, 83 at 2.30.....	\$190 90
1	“ Turkey Red Damask, 36 at 2.45.....	88 81
3	“ Brown Damask, 129 at 1.20.....	155 10

\$434 81

This amount was also paid to this firm, although none of the articles were delivered at the Asylum, but were taken to the residences of those interested in the robbery.

Groceries bought from wholesale dealers by the quantity, were charged on new invoices at the following figures, viz.:

Butter by the keg, per pound.....	\$ 55
Cheese, per pound.....	30
Peaches, cans, per dozen.....	5 00
Oysters, 1 pound cans, per dozen.....	4 50
Flour, per barrel.....	17 75

and thus on for every bill of goods purchased or purporting to have been purchased for the unfortunate wards of the State.

If the Board of Managers were not directly interested in these outrageous charges, they must have been as imbecile as the afflicted inmates of the asylum.

For the firm of Stuart & Mair alone, on invoices thus made out for goods purchased at this time by the steward, accounts were approved by the Board of Managers, amounting to \$15,984 54, and an additional amount of \$536 60 for freights and commission charges, of which \$42 25 was for charges on these identical State goods, the balance being for charges in April on State goods similarly invoiced for which this firm received \$13,389 07.

Warrants for \$31,846 41, were issued to this one firm during the year 1873.

For the one bill, which we have itemized, Messrs. Leon & H. Blum received the acceptance of Messrs. Stuart &

Mair at ninety days, when they should have been paid directly by the Treasurer of the Asylum, who had received the previous month \$19,899 75 in cash, over and above all warrants he had drawn from the Comptroller's office.

On this particular bill, this firm having outfigured themselves by increase of yardage and percentage to over double the amount of the legitimate bill, and finding that the appropriation for dry goods was only \$6000, and that their raised bill was \$1,678 58 in excess thereof, did not think it worth their while to trouble this Honorable Body with any request for a deficiency appropriation, but through the complacency of W. C. Phillips, Acting Comptroller, drew that amount from the \$18,000 appropriation for provisions, which now presents the singular anomaly of being overdrawn \$258 31.

Among the papers at the asylum, was found one that let some little light upon the share of profit enjoyed by some of the stockholders in this Texas Credit Mobilier, W. H. Green, the steward, receiving credit on his bank account with Stuart & Mair, for \$750, being one-half of joint account for their April transactions. What amount of dividend has been declared on the fall profits, and what amount of shares are held by the various members of the Board of Managers, your Committee has as yet not ascertained, but as Mr. A. S. Mair informed one of the Committee, "that he would rather give \$5000 than that his name should appear in connection with the asylum frauds," your Committee are of the opinion that the stock has been extremely valuable. The exact amount of cash dividends to the Board of Managers and others, we cannot accurately state until Mr. A. S. Mair, following the example of the steward, turns State evidence and divulges.

All of which is respectfully submitted,

S. L. CHAMBLISS, Chairman, J. D. STEPHENS,
WM. A. WORTHAM, IRA B. SADLER.

On motion of Mr. Epperson, Judiciary Committee No. 1, submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

The Judiciary Committee No. 1, to whom was referred Senate bill No. 212, entitled "An act to enable common carriers to dispose of unclaimed freight or baggage," have had the same under consideration, and recommend that

said bill be amended by striking out the words "private sale or," in the seventh line of section four, and inserting "public" in place thereof, and by striking out the words "without giving," in the eighth line of same section, and writing in lieu thereof "before having given five days," and amend the fifth section by striking out "or private sale," and by inserting the words "auction as prescribed in the next preceding section;" and the Committee very respectfully recommend the passage of the bill with said amendments.

JOHN W. HARRIS, Chairman.

The report and amendments were adopted, and the bill passed to third reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time by caption and passed.

Leave being granted, Judiciary Committee No. 1, submitted a number of reports, which were ordered to lie on the table to come up in their regular order.

On motion of Mr. Swain, Senate bill No. 432, to incorporate the San Antonio Street Railway Company, was taken up and read by caption first time.

On motion of Mr. McLeary, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Murphy, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Stuart, of Falls, Senate bill No. 409, to amend "An act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," passed at the present session of the Legislature, was taken up and read first time by caption and passed to second reading.

On motion of Mr. Stuart, of Falls, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Triplett, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Triplett, Senate bill No. 244, to authorize Justices of the Peace to hold regular terms of their courts at such places in their precincts as may suit the wants of the people, was taken up and read second time.

Mr. Watson moved a call of the House.

The call was not sustained.

On motion of Mr. Reeves, the House adjourned to 8:30 A. M., to-morrow.

NINETY-SECOND DAY.

HOUSE OF REPRESENTATIVES, }
AUSTIN, May 2, 1874. }

House met. Prayer by chaplain. Roll called ; quorum present.

Absent—Messrs. Kessler and Schmidt.

Leave being granted, Mr. Stewart, of Montgomery, introduced a joint resolution authorizing and requiring the Governor to advertise for proposals for building two additional State penitentiaries, which was read first time and passed to second reading.

On motion of Mr. Stewart, of Montgomery, the rules were suspended and the joint resolution was read second time, and ordered engrossed.

Mr. Foote moved to suspend the rules and put the resolution on its third reading, which carried. The resolution was then read third time and passed.

Mr. Miller offered the following resolution :

Resolved, That the Committee on Printing and Contingent Expenses be instructed to have printed for the use of the members, five hundred copies of the captions of bills passed by the present Legislature, which have become laws.

The resolution was adopted.

Mr. Epperson offered the following resolution :

Resolved, That the Chief Clerk of the House of Representatives be required to arrange and file the bills and unfinished business of the present session of the Fourteenth Legislature, and file an index of the same with the Secretary of State ; to index the journals of the present session, and to forward all mail matter coming to members after adjournment, to their respective addresses; and to forward to each member a copy of the General and Special Laws and Journals of the present session ; and that he be continued in office until such duties are performed ; *provided*, said time shall not exceed sixty days.

2. That all bills, resolutions, memorials, or other papers remaining in the hands of committees, shall be delivered to the Chief Clerk of the House, to be by him arranged as hereinbefore directed ; *provided*, that members shall have the right to withdraw from the clerk any bill or other paper introduced by them respectively.

The resolution was adopted.

Mr. Watts submitted the following report:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee of three members of the House, appointed to examine the bureau of tax rolls in the Comptroller's department, here in brief report the discharge of their duties, at same time asking permission to defer making a more comprehensive report and review of the bureau and the details of its operation, until the next session of the Legislature. Every facility was afforded to them in making this examination by the Comptroller of Public Accounts, and by the chief clerk of the bureau, and full explanations given to them as to the system and order in which the books and records of the bureau are kept. The system, as far as it extends, is complete, but it is materially limited from full efficiency by an insufficient supply of clerical force. The tax bureau appears to have always labored under this drawback to its full and effective operation in all of its varied and numerous details, to-wit: the want of a sufficient number of clerks to open and duly keep the needed number of books, and to ascertain the lands and property unrendered and unpaid of taxes. To perform this duty efficiently, trained clerks of great method and exactness of search and competent ability are needed.

The bureau is now two and a half years behind the present date in discovery and assessment of the unrendered lands and property of the State. Upon due inquiry, we learn from the department that it will require the services of six fully competent clerks for two years, to bring all of the tax business of the bureau up to first of January, 1874.

Under former laws the duty of ascertaining the unrendered lands and property of each county, rested upon the respective assessors of the counties, and was rarely, from various causes, ever fully discharged. Now, under the laws that have been in force for some time past, the tax bureau, where every facility from its records, from ready access to the records of the General Land Office, and other sources for the full discovery and assessment of the unrendered property of the State, exists—is charged with this important and necessary duty.

Committee state that it is their conviction, from the examination they have made, that neither can the revenue

from ad valorem taxation *be fully secured*, or the tax payer be fully protected from liability to harrassing inconvenience, until the bureau has a supply of clerical force equal to all of its demands and numerous details.

Committee, as above named, ask leave to report fully in the premises to the next Legislature.

PINKNEY S. WATTS, Chairman,
E. D. LINN,
C. B. STEWART.

The report was received.

Mr. Kemble submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Education, to whom was referred House bill No. 429, to provide for the payment of the public school fund for building school houses in the various counties and school districts of the State, have considered the same, and instruct me to report the accompanying substitute, with the recommendation that the same do pass.

W. S. DELANY, Chairman.

The substitute having been read, the report and substitute were adopted.

Mr. Triplett moved to postpone the bill to the next session of the Legislature. The House refused.

Mr. Henderson, of Smith, offered the following amendment: *Provided*, that the county treasurers of the several counties shall notify the Superintendent of Education from time to time of the several amounts received by him, arising from the one per cent. tax, and that the Superintendent of Education be authorized to deduct said amount from the *pro rata* share apportioned to said county of the general fund.

Mr. Swain moved to lay the amendment on the table, which carried.

The bill was ordered engrossed.

Mr. Kemble moved to suspend the rules and put the bill on its third reading. The House refused.

Mr. Triplett moved to continue the call of districts. The House refused.

On motion of Mr. Foote, Senate bill No. 413, making an appropriation to pay the interest on the bonded indebtedness of the State, and the interest on the State Treasury warrants, was taken up and read first time.

On motion of Mr. Foote, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Epperson, the rules were suspended, the bill was read third time and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Cardis, Chambliss, Cochran, Delany, Douglass, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gelatly, Goodwin, Harris, Harrison, Hart, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Kemble, Lawhon, Lea, Lindsey, Linn, Manning, Massey, McCuiston, Mitchell, McLeary, Miller, Murphy, Nicholson, Oxsheer, Patrick, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stuart of Falls, Swain, Triplett, Walker, Watson, Watts and Wortham—65.

On motion of Mr. Foote, Senate bill No. 433, to prevent frauds upon the State, was taken up and read first time.

On motion of Mr. Hayes, the rules were suspended, the bill was read second time by caption, and passed to third reading.

On motion of Mr. Hayes, the rules were further suspended, the bill was read third time by caption, and passed.

Mr. Cochran moved to reconsider the vote refusing to suspend the rules to put House bill No. 429, to provide for the payment of the public school fund for building school-houses in the various counties and school districts of the State, on its third reading.

The vote was reconsidered.

Mr. Mitchell moved to lay the motion to suspend the rules on the table, which carried.

Mr. Anderson introduced a bill supplemental to an act entitled "An act to amend section forty-four of an act to encourage stock-raising and for the protection of stock-raisers," approved May 1, 1874, which was read first time.

On motion of Mr. Anderson, the rules were suspended, the bill was read second time, and ordered engrossed.

On motion of Mr. Anderson, the rules were further suspended, the bill was read third time by caption, and passed.

On motion of Mr. Lawhon, Senate bill No. 388, to prescribe the times for holding the district courts in the

Sixteenth Judicial District of the State of Texas, was taken up and read second time.

Mr. Lawhon moved to amend section two by striking out "thirtieth of April" and inserting in lieu thereof "fifteenth of May."

The amendment was adopted, and the bill passed to third reading.

On motion of Mr. Lawhon, the rules were suspended and the bill was put on its third reading.

Mr. Murphy moved to postpone the bill to the next session of the Legislature. The House refused.

The bill was then read third time by caption and passed.

A message from the Senate announced the passage by that body of the following bills:

House bill No. 414, defining the boundary line between Hopkins and Wood counties.

Senate bill No. 380, to amend the eighth section of "An act regulating taxation," approved June 3, 1873.

And that the Senate unanimously refused to concur in the House amendment to Senate bill No. 367, to make appropriations for the support of the State Government for the fiscal year beginning September 1, 1874, and ending August 31, 1875.

On motion of Mr. Simpson, the last named bill was taken up.

Mr. Reeves moved that the House recede from its amendments.

The House refused to recede by the following vote:

YEAS—Messrs. Bruce, Cain, Cochran, Donald, Eastland, Foote, Hart, Hayes, Henderson of Kendall, Jackman, Jenkins, Johnson, Massey, McLeary, Murphy, Oxsheer, Pickett, Reeves, Rogers, Rosborough, Storey, Stewart of Montgomery, Stuart of Falls, Walker, Watson and Watts—26.

NAYS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cardis, Chambliss, Delany, Douglass, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Helton, Henderson of Smith, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, McCuiston, Mitchell, Meissner, Miller, Nicholson, Patrick, Price, Roberts, Sadler, Scott, Simpson, Smith of Travis, Smith of Grimes, Swain and Triplett—43.

Mr. Delany moved to appoint a Committee of Free Conference upon the disagreement between the two houses and ask a like committee on the part of the Senate.

Mr. McLeary moved to amend the motion by striking out the word "Free." The House refused.

Mr. Storey moved the previous question, which was seconded and the main question ordered. The motion carried by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Cain, Chambliss, Cochran, Delany, DeMorse, Eastland, Edwards, Epperson, Gellatly, German, Harris, Harrison, Henderson of Smith, Jackman, Jenkins, Kemble, Kessler, Lawhon, Lea, Lindsey, Linn, Manning, Massey, McCuiston, Mitchell, Meissner, Miller, Nicholson, Oxsheer, Patrick, Price, Rogers, Rosborough, Scott, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Triplett, Walker, Watts and Wortham—52.

NAYS—Messrs. Bruce, Cardis, Donald, Douglass, Foote, Freeman, Galvan, Hart, Hayes, Helton, Henderson of Kendall, McLeary, Murphy, Pickett, Reeves, Roberts, Sadler, Swain and Watson—19.

The Speaker appointed the following Committee of Free Conference under the motion: Messrs. Delany, DeMorse, Kemble, Pickett and Barziza.

The Speaker submitted the following communication, which was read and directed to be spread upon the journal:

TEXAS MILITARY INSTITUTE, }
Austin, May 2, 1874. }

Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—I would most respectfully apply, through you, for permission from the Honorable House of Representatives, to hold the public Commencement Exercises of this institution in their hall, on Friday morning, June 5, 1874. The exercises consist simply of addresses from the invited orators, and delivery of medals and diplomas.

This is a courtesy which has uniformly been extended the Institute each year since its location at this place, and a repetition of the favor will be most gratefully appreciated.

I have the honor to remain, with much respect, your
obedient servant, JNO. G. JAMES, Superintendent.

On motion of Mr. Epperson, the request was granted.

Report from the Committee on Engrossed Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House bill No. 527, "An act to ascertain the deficiencies of the several departments of the State, for the fiscal year ending the thirty-first of August, A. D. 1874, and amounts due individuals, and to appropriate money to pay the same," and find the same correctly engrossed.

L. J. STOREY, Chairman.

On motion of Mr. Smith, of Travis, Senate bill No. 182, to lease to the use of Travis county, certain land in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same, was taken up and read first time.

On motion of Mr. Smith, of Travis, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Brown, of San Saba, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Walker, Senate bill No. 244, to authorize Justices of the Peace to hold regular terms of their courts at such places in their precincts as may suit the wants of the people, was taken up, read second time and passed to third reading.

On motion of Mr. Walker, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Epperson, Senate bill No. 370, to incorporate the Rusk Transportation Company, was taken up and read first time.

On motion of Mr. Epperson, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Epperson, the rules were further suspended, the bill was read third time by caption and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of Harrison, Delany, Eastland, Epperson, Freeman, Galvan, Gellatly, Harris, Harrison, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kessler, Lindsey, Linn, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Murphy, Nicholson, Price, Roberts, Scott, Simpson, Smith of Travis,

Stephens, Storey, Stuart of Falls, Swain and Watts—42.

NAYS—Messrs. Bean, Brown of San Saba, Bruce, Cain, Donald, Douglass, Foote, German, Hart, Hayes, Jenkins, Kemble, Matthews, Oxsheer, Patrick, Rogers, Rosborough, Watson and Wortham—19.

On motion of Mr. Storey, Senate bill No. 380, "An act to amend the eighth section of an act regulating taxation," approved June 3, 1873, was taken up and read first time.

On motion of Mr. Storey, the rules were suspended, and the bill was read second time.

Mr. Bean moved to amend section one by striking out "all buildings where the same does not belong to the owner of the soil on which it stands."

Mr. McLeary moved to lay the motion on the table, which carried.

The bill passed to third reading.

On motion of Mr. Storey, the rules were further suspended, the bill was read third time by caption and passed.

A message from the Senate announced the passage by that body of House bill No. 514, to incorporate the Houston and East Texas Narrow Gauge Railroad Company, and grant State aid thereto.

Also, that it had concurred in the House amendments to Senate bill No. 212, "An act to enable common carriers to dispose of unclaimed freight or baggage."

Also, the passage of Senate bill No. 440, to amend an act entitled "An act to authorize the holders of State warrants to surrender the same to the State Treasurer, and to receive bonds in lieu thereof," approved May 30, 1873; and that the Senate had appointed Senators Wood, Ball, Dwyer, Ireland and Dillard a Committee of Free Conference to meet the like House committee upon Senate bill No. 367, "An act to make appropriations for the support of the State government, beginning September 1, 1874, and ending August 31, 1875."

On motion of Mr. Epperson, Senate bill No. 440, to amend an act entitled "An act to authorize the holders of State warrants to surrender the same to the State Treasurer, and to receive bonds in lieu thereof," approved May 30, 1873, was taken up and read first time.

On motion of Mr. Epperson, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Epperson, the rules were further suspended, the bill was read third time by caption and passed by the following vote :

YEAS—Mr. Speaker, Abner, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Chambliss, Cochran, DeMorse, Douglass, Eastland, Edwards, Epperson, Farrar, Foote, Freeman, Galvan, Gelatly, Goodwin, Harris, Harrison, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Johnson, Kemble, Kessler, Lindsey, Linn, Manning, Massey, McCuiston, Mitchell, McLeary, Miller, Nicholson, Patrick, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Sadler, Scott, Simpson, Smith of Travis, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson and Wortham—62.

NAYS—Mr. Matthews.

On motion of Mr. Stephens, Senate bill No. 425, to provide for the traveling and other contingent expenses of the quartermaster and commissary of the frontier battalion, was taken up and read first time.

On motion of Mr. Hayes, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Stephens, the rules were further suspended, the bill was read third time by caption and passed.

Mr. Delany submitted the following report :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Finance, to whom was referred the communication of Hon. A. J. Dorn, Treasurer of the State, to his Excellency the Governor, dated March 9, 1874, concerning certain bonds of the State now in the vaults of the Treasury, and recommending the destruction of said bonds, beg leave to report the accompanying joint resolution and respectfully recommend its passage.

W. S. DELANY, Chairman.

The joint resolution, providing for the destruction of certain bonds of the State now in the office of the State Treasurer, was read first time.

On motion of Mr. Delany, the rules were suspended, the joint resolution was read second time and ordered engrossed.

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On motion of Mr. DeMorse, the rules were suspended, the joint resolution was read third time by caption and passed.

The following communication from his Excellency the Governor was received and taken up :

EXECUTIVE OFFICE,
Austin, Texas, May 2, 1874. }

To the Hon. House of Representatives of the State of Texas :

GENTLEMEN—I return herewith, without my approval, House bill No. 385, being an act to limit the power of taxation, in cities and towns.

I would gladly approve this bill, because its principal features, I believe to be, highly expedient, were it not for the second proviso, found in it, in these words: “*And provided further*, that if any city or town, shall desire to expend in any one year, more than one-half of one per cent. it shall first obtain the consent of a majority of the persons assessed for an *ad valorem* tax upon real or personal property in such city or town, at an election to be held for that purpose, etc., etc.” This clause, in so far as it restricts the right to vote on the question, to those persons who have been, or are assessed for an *ad valorem* tax, on real and personal property, in such city or town, holding the election, is to my mind, manifestly repugnant to section one, article three, of the Constitution, which defines the qualifications of electors.

This section of the Constitution, declares in substance, that every male citizen of the United States, twenty-one years of age, who has resided twelve months in the State, next preceding an election, and the last six months within the district or county, where he offers to vote, and is duly registered, shall be deemed a qualified elector. I do not believe it competent for the Legislature to add to these the additional requirement, that one shall have real or personal property, which has been assessed for tax, before he can vote in the city or town of his residence.

The Constitution treats all men as equal, as respects the question of suffrage, and leaves no discretion with the Legislature, to make distinctions between those who have, and those who have not property.

I respectfully ask that this bill be reconsidered.

Very respectfully, RICH'D COKE, Governor.

Mr. Epperson moved to postpone the consideration of the message and bill until the next session, which carried.

On motion of Mr. Sadler, Senate bill No. 308, supplemental to "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,' approved April 29, 1873," was taken up and read first time.

On motion of Mr. Lea, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Sadler, the rules were suspended, the bill was read third time by caption and passed.

On motion of Mr. Storey, Senate bill No. 429, to regulate the manner of proceeding in the Supreme Court upon motion for rehearing, was taken up and read first time.

On motion of Mr. Storey, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Storey, the rules were further suspended, the bill was read third time by caption and passed.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills, have carefully examined and compared and find correctly enrolled House bill No. 524, "An act supplemental to an act to provide for the sale of bonds to pay the public debt, approved April 13, 1874," and presented the same to the Governor for his approval, this day at 3 o'clock P. M.

G. B. PICKETT, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House bill No. 472, entitled "An act to give State aid in the removal of rafts and other obstructions from the Guadalupe and San Antonio rivers;" also, House bill No. 528, entitled "An act supplemental to an act entitled 'an act to incorporate the Houston and Brazos Canal and Navigation

Company, and grant State aid thereto," passed at the first session of the Fourteenth Legislature, and presented the same to the Governor for his approval on the first day of May, 1874, at 9:20 o'clock A. M.

E. D. LINN, Chairman.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled, House bill No. 88, entitled "An act to create a lien in favor of the proprietors of livery or other public stables;" also, House bill No. 449, entitled "An act to amend an act approved March 4, 1871, entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870; also, House bill No. 250, entitled "An act to protect the enclosed lands of any person from trespass by shooting, hunting, fishing or fowling;" also, House bill No. 302, entitled "An act to regulate life and health insurance companies, and all associations, partnerships, or individuals doing life and health business, incorporated within or without the State of Texas;" also, House joint resolution No. 286, entitled "Joint resolution relating to those who lost limbs during the late civil war, being residents of Texas," and presented the same to the Governor for his approval, this the second day of May, 1874, at 9:40 o'clock A. M.

E. D. LINN, Chairman.

Mr. Jenkins moved to take up Senate bill No. 196, to amend section one of act entitled "An act prescribing the times of holding general elections," approved May 26, 1873. The House refused.

On motion of Mr. Storey, Senate bill No. 242, to provide for the removal from office of district attorneys, sheriffs, district clerks, and other officers, and for filling vacancies in such offices," was taken up and read first time.

On motion of Mr. McLeary, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Cochran, the rules were suspended, the bill was read third time.

On motion of Mr. Simpson, the following report was submitted :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Towns and City Corporations, to whom was referred House bill No. 390, entitled "An act regulating the incorporation of cities of five thousand inhabitants, or over, and to provide for the substitution and repeal of all acts heretofore passed incorporating said cities, which may be in force by virtue of any existing charter," report that they have carefully examined the same and recommend that it do pass with the following amendments :

First. Amend section two by substituting "three-fifths" in lieu of "the majority."

Second. Amend section three by requiring the city attorney, tax assessor and collector, treasurer, city marshal, city engineer and secretary to be elected by the qualified electors of the city. Also, strike out "one" and insert "two" in same section.

Third. Amend section six by adding after the word "mayor," in tenth line, on page ten, the words "city attorney, tax assessor and collector, treasurer, city marshal, city engineer, and secretary." Also the same words after the word "mayor," in fourteenth line, on same page.

Fourth. Amend section nineteen, "*provided*, that no person shall be imprisoned by a jury of less than twelve men."

Fifth. Amend section forty-one by striking out "or suppress and prevent."

Sixth. Amend section eighty-one by substituting "two-thirds" in lieu of "a majority."

Seventh. Insert an additional section between sections seventy-three and seventy-four, as follows: "To open new irrigating ditches subject to the same conditions of assessment and payment as prescribed for the opening or widening of streets by this act; to reopen old irrigating ditches within or beyond the limits of the city, and to regulate all waters connected with dams, water gates, and the distribution of water for irrigation; *provided*, that no ordinances on this subject shall be passed conflicting with private or established rights; but ordinances may be passed reviving any rules or regulations formerly established by the Spanish or Mexican government as conditions of the grants of irrigated lands, and for this purpose the city council may appoint overseers and commissioners, and

may require owners of lands to clean out and keep in repair irrigating ditches passing through and irrigating said lands."

COCHRAN, for Committee.

The report was adopted.

Mr. DeMorse moved to postpone the further consideration of the bill to the second Tuesday of the next session, which carried.

On motion of Mr. Linn, Senate bill No. 415, to legalize the offspring of Julius Henry and Bertha Nathan, was taken up and read first time.

On motion of Mr. Linn, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Linn, the rules were further suspended, the bill was read third time by caption and passed.

On motion of Mr. Barziza, Senate bill No. 130, to exempt earnings of laborers, mechanics and artisans, to a certain extent, from the payment of debts by legal process, was taken up pending the following report thereon :

Hon. Guy M. Bryan, Speaker of the House of Representatives :

The Judiciary Committee, No. 1, to which was referred Senate Bill No. 130, to be entitled "An act to exempt the earnings of laborers, mechanics and artizans to a certain extent from the payments of debts by legal process," have had the same under consideration, and recommend its passage.

JOHN W. HARRIS, Chairman.

The bill was read second time, the report adopted, and the bill passed to third reading.

On motion of Mr. Barziza, the rules were further suspended, and the bill was read third time.

Mr. Freeman moved to postpone the further consideration of the bill to the next session of the Legislature, which was carried.

On motion of Mr. Price, Senate bill No. 350, to amend the twenty-eighth section of an act entitled "An act prescribing the times of holding the District Courts in the several Judicial Districts," approved August 10, 1870, was taken up and read first time.

On motion of Mr. Miller, the rules were suspended, the bill was read second time by caption, and passed to third reading.

On motion of Mr. Price, the rules were suspended, the bill was read third time by caption and passed.

By leave, Mr. Storey introduced a joint resolution to have certain portraits of Washington, Houston, Austin and Burleson repaired, which was read first time.

On motion of Mr. Storey, the rules were suspended, the joint resolution was read second time and ordered engrossed.

On motion of Mr. Storey, the rules were further suspended, the joint resolution was read third time and passed by the following vote:

YEAS—Mr. Speaker, Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, Douglass, Eastland, Edwards, Epperson, Foote, Galvan, Gellatly, German, Goodwin, Harris, Hart, Hayes, Helton, Henderson of Smith, Henderson of Kendall, Jackman, Jenkins, Johnson, Kessler, Lea, Lindsey, Manning, Massey, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, Pickett, Price, Reeves, Rogers, Rosborough, Sadler, Scott, Simpson, Smith of Travis, Stephens, Storey, Swain, Triplett, Von Biberstein, Watson and Wortham—59.

NAYS—Messrs. Abner, Brown of Harrison, Farrar, Freeman, Matthews, Oxsheer, Patrick, Roberts and Watts—9.

On motion of Mr. Murphy, Senate bill No. 439, to regulate the times of holding the District Courts in the Twenty-fourth Judicial District, was taken up and read first time.

On motion of Mr. Simpson, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Cardis, the rules were further suspended, the bill was read third time by caption, and passed.

On motion of Mr. Reeves, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee to whom was referred Senate joint resolution No. 255, awarding improved Winchester rifles or other breech-loading guns to certain parties, have had the same under consideration, and instruct me to report the

same back with the additional section as an amendment for the consideration of the House.

Respectfully submitted,

G. B. PICKETT,
Chairman Com. Indian Affairs.

Amend by inserting the following section, and numbered as two: "When satisfactory and well-authenticated proof is made before the Adjutant-General of this State, that any person, a citizen of this State, and not in the State service, has acted gallantly in any battle with the Indians in this State, at any time not more than two years prior to the passage of this act, then, in that event, the Adjutant-General is authorized and required to present to such person having acted as aforesaid, one improved Winchester rifle.

Amend section two by changing the number to three.

Mr. Pickett moved to postpone the further consideration of the bill until the next session, which carried.

A message from the Senate announced the passage by that body of Senate bill No. 345, to carry into effect section twenty-four of Article 5 of the Constitution, by defining the offenses of nonfeasance, misfeasance and malfeasance in office, and providing penalties therefor; and had concurred in the House amendments to Senate bill No. 383, to prescribe the times of holding the district courts in the Sixteenth Judicial District.

On motion of Mr. Simpson, the House adjourned to 8 P. M.

NIGHT SESSION.

House met. Roll called; quorum present.

Absent—Messrs. Hayes, Jackman, Linn, McCuiston, Schmidt, Smith of Travis and Stephens.

Pending the reading of the journal of Friday, Mr. Swain moved to postpone the further reading of the journals until Monday morning, which carried.

A message from the Senate announced the passage by that body of House bill No. 154, amendatory of an act entitled "An act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railroad Company;

Also, that the Senate had adopted the report of the Committee of Free Conference upon Senate bill No. 367, "An act to make appropriations for the support of the State Government for the fiscal year beginning September 1, 1874, and ending August 31, 1875."

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee of Free Conference, to whom was referred Senate bill No. 367, "An act to make appropriations for the support of the State Government for the fiscal year beginning September 1, 1874, and ending August 31, 1875," have instructed me to report the bill back, and unanimously recommend that the House recede from all its amendments to the Senate bill, and recommend the passage of the Senate bill, with the following amendments: "Add to the Judiciary Department, in line three, the word 'lights,' and increase from two hundred to 'three hundred and fifty' dollars." "Add to the Immigration Bureau, one clerk, at a salary of fifteen hundred dollars; and to the Adjutant General's Department, for rent of house, for arms and ammunition, seven hundred and fifty dollars; and to pay for service in taking care of arms and ammunition, five hundred dollars. In the frontier appropriation, substitute (\$300,000 for \$400,000) three hundred thousand for four hundred thousand dollars."

W. D. WOOD, Chairman Senate Committee.

W. S. DELANY, Chairman House Committee.

The report was adopted by the following vote:

YEAS—Mr. Speaker, Anderson, Barziza, Brown of Gregg, Cain, Chambliss, Cochran, Delany, DeMorse, Donald, Eastland, Edwards, Epperson, Farrar, Foote, Gellatly, German, Harrison, Henderson of Smith, Henderson of Kendall, Kemble, Lawhon, Lindsey, Massey, McCuiston, McLeary, Miller, Murphy, Oxsheer, Patrick, Rogers, Rosborough, Storey, Stewart of Montgomery, Stuart of Falls, Watson, Watts and Wortham—39.

NAYS—Abner, Ballard, Bean, Beck, Brown of San Saba, Brown of Harrison, Bruce, Cardis, Douglass, Freeman, Galvan, Goodwin, Harris, Hart, Hayes, Kessler, Lea, Manning, Matthews, Mitchell, Meissner, Nicholson, Patterson, Price, Reeves, Roberts, Sadler, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Swain, Triplett, Von Biberstein and Walker—36.

Mr. Reeves asked leave to introduce a bill. Leave was granted by the following vote:

YEAS—Mr. Speaker, Anderson, Barziza, Bean, Brown of Gregg, Brown of San Saba, Cain, Chambliss, Cochran, Delany, DeMorse, Donald, Douglass, Eastland, Epperson,

Farrar, Foote, Freeman, Galvan, Gellatly, German, Goodwin, Harris, Hayes, Helton, Henderson of Kendall, Kemble, Lindsey, McCuiston, Meissner, Miller, Nicholson, Oxsheer, Patrick, Price, Rosborough, Sadler, Simpson, Smith of Travis, Smith of Grimes, Stephens, Stuart of Falls, Swain, Triplett, Watson and Wortham—46.

NAYS—Messrs. Abner, Ballard, Beck, Brown of Harrison, Harrison, Henderson of Smith, Kessler, Lawhon, Manning, Mitchell, McLeary, Murphy, Rogers, Roberts, Storey and Walker—16.

Mr. Reeves then introduced a bill to be entitled "An act to amend the seventh, eleventh and twelfth sections of an act to establish, organize and define the powers of the Criminal District Court in the cities of Dallas, McKinney and Sherman," which was read first time.

Mr. McLeary moved to refer the bill to Judiciary Committee No. 1.

Mr. Smith, of Grimes, made the point of order that a bill covering the same subject matter as the bill under consideration, had been introduced and laid on the table, and that the House could not in accordance with the provisions of the Constitution entertain the pending bill.

The Speaker decided the point not well taken, inasmuch as laying a bill on the table was not rejecting it.

Mr. Triplett moved the previous question, which was seconded, and the main question ordered. The motion to refer then carried by the following vote:

YEAS—Mr. Speaker, Abner, Anderson, Beck, Brown of Gregg, Brown of Harrison, Bruce, Chambliss, Delany, DeMorse, Eastland, Epperson, Farrar, Freeman, Galvan, Gellatly, Harrison, Hart, Henderson of Smith, Lawhon, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Meissner, Miller, Murphy, Nicholson, Oxsheer, Rogers, Rosborough, Roberts, Simpson, Smith of Grimes, Storey, Stuart of Falls, Triplett, Walker, Watts and Wortham—42.

NAYS—Messrs. Ballard, Barziza, Bean, Cardis, Cochran, Donald, Foote, German, Goodwin, Harris, Hayes, Helton, Kemble, Lindsey, Patrick, Price, Reeves, Smith of Travis, Stephens, Swain and Watson—21.

A message from the Senate announced the passage by that body of a joint resolution to make an appropriation for a Librarian for the Supreme Court, and a porter, at Austin, Tyler and Galveston, and for furniture and books for the Supreme Court at the same places.

House bill No. 517, to incorporate the Orange and Bolivar Point Railroad Company, and aid in the construction of the same; and a bill to repeal an act entitled "An act to release certain taxes to the residents of the counties of Montague, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same," passed April 30, 1873.

Mr. Simpson moved to take up the joint resolution to make an appropriation for a librarian for the Supreme Court, and a porter at Austin, Tyler and Galveston, and for furniture and books for the Supreme Court at the same places. The motion carried, and the joint resolution was read first time.

Mr. Barziza moved the previous question which was seconded, and the main question ordered.

The rules were then suspended, the joint resolution was read second time and passed to third reading.

On motion of Mr. Epperson, the rules were suspended, the joint resolution was read third time by caption and passed by the following vote:

YEAS—Mr. Speaker, Anderson, Barziza, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Cochran, Delany, DeMorse, Donald, Douglass, Eastland, Epperson, Farrar, Foote, Galvan, Gellatly, German, Goodwin, Harris, Harrison, Hayes, Helton, Henderson of Smith, Jenkins, Kemble, Lawhon, Lindsey, Massey, Matthews, McCuiston, McLeary, Meissner, Miller, Murphy, Nicholson, Oxsheer, Price, Reeves, Rogers, Rosborough, Roberts, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Triplett, Von Biberstein, Watson, Watts and Wortham—55.

NAYS—Messrs. Abner, Ballard, Freeman, Manning, Patrick and Swain—6.

Mr. Kemble asked leave for the Finance Committee to report a resolution reducing the *per diem* of members of the Legislature to six dollars a day, and mileage in proportion.

Mr. Triplett moved to lay that motion on the table, which was lost by the following vote:

YEAS—Messrs. Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of Harrison, Cardis, Epperson, Farrar, Freeman, Galvan, Gellatly, Henderson of Smith, Massey, McLeary, Murphy, Price, Rogers, Roberts, Sad-

ler, Simpson, Smith of Grimes, Stuart of Falls and Triplett—25.

NAYS—Mr. Speaker, Bean, Bruce, Cochran, Delany, DeMorse, Donald, Douglass, Eastland, Foote, German, Goodwin, Harris, Harrison, Hart, Helton, Jenkins, Kemble, Lawhon, Lindsey, Manning, McCuiston, Meissner, Miller, Nicholson, Oxsheer, Patrick, Reeves, Rosborough, Smith of Travis, Storey, Swain, Von Biberstein, Watson, Watts and Wortham—36.

The House refused to suspend the rules to allow the introduction of the report.

Mr. Goodwin moved to reconsider the vote just taken.

The House refused to reconsider.

District No. 18, being called, Mr. Patrick called up Senate bill No. 207, to provide for the disposal of certain lands belonging to the State of Texas, known as the Indian Reservation, upon which the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 207, entitled "An act to provide for the disposal of certain lands belonging to the State of Texas, known as the Indian Reservations," have considered the same, and instruct me to report it back and recommend its passage.

BARZIZA, Chairman.

Pending the reading of the bill, a message from the Senate announced that that body had passed House bill No. 327, "An act to ascertain the deficiencies of the several departments of the State, for the fiscal year ending the thirty-first of August, A. D. 1874, and amounts due individuals, and to appropriate money to pay the same, with amendments by the Senate."

Mr. McLeary moved to postpone the pending bill and take up the bill just received, known as the Deficiency Bill.

Mr. Douglass moved to amend the motion by setting the time of postponement at Monday, 9 A. M.

Mr. Epperson moved to amend the motion by changing the time to the next session.

Mr. Barziza moved to lay that motion on the table, which carried.

The motion to postpone to Monday, then carried.

The Deficiency Bill was taken up; pending the following amendments by the Senate.

Amend section first, under the head of Judiciary, by inserting "to district clerk of Washington county, for costs of court in the case of the State of Texas *vs.* W. L. Wilkerson, and unknown heirs, etc., an action for escheat of land adjudged against the State, February Term, 1874, \$60 00.

Amend by striking out lines fifty-three and fifty-four, section first.

Section first, line thirteen, after the word "office," add the words "in part for salaries of clerks employed and to be paid from first of March last.

Section one between lines fifteen and sixteen, insert the following :

"Fees of Thomas M. Hunt, district clerk of Burleson county, for list of conveyances furnished Justices of the Peace, under section nine of the tax law of 1870, \$150."

Add at the end of section first the following : Deficiency for Geological Department, \$3000.

Strike out line thirty, section one, and insert the following: For Bureau of Immigration, \$9112 74, to meet their deficiency the sum of \$6612 87, of the appropriation of the \$30,000, made by the Twelfth Legislature, unexpended, and the sums of \$1000 for postage on European pamphlets, and the sum of \$500, salary of agent at Castle Garden, made by the Thirteenth Legislature, all of which are unexpended, be and the same are hereby transferred to and re-appropriated to cover this deficiency.

Amend after the name C. R. Gibson, section one, line thirty-nine, the following: J. T. King, sheriff of Ellis county, amount of reward offered by the Governor for the arrest of H. Ainesworth, \$500.

Add between lines sixteen and seventeen, section one, the following, E. F. Hall, district clerk of Webb county, for list of conveyances and making assessment rolls, under act of August 15, 1870, \$134.

Line twenty-three, section one, strike out \$255,000, and insert \$150,000.

Strike out "Justices of the Peace" in line thirty-eight, section one, and insert "sheriffs," under act of August 15, 1870, \$134.

In line twenty-three, section one, strike out \$255,000 and insert \$150,000.

Strike out "Justices of the Peace" in line thirty-eight, section one, and insert "Sheriffs."

The House concurred in the amendments.

Mr. Murphy moved to adjourn, which carried.

NINETY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 4, 1874.

House met. Prayer by chaplain. Roll called; quorum present.

Absent—Messrs. Lawhon, Linn and Schmidt.

Mr. Bryan introduced House Bill No. 532, to be entitled "An act authorizing counties, cities and towns to establish quarantine ordinances, rules or regulations, which was read first time."

On motion of Mr. Harris, the rules were suspended, the bill was read second time by caption, and ordered engrossed.

On motion of Mr. Triplett, the rules were further suspended, the bill was read third time by caption and passed.

Mr. Triplett introduced House Bill No. 533, supplemental to an act entitled "An act to incorporate the Orange and Bolivar Point Railroad Company, and aid in the construction of the same," passed at the first session of the Fourteenth Legislature, which was read first time.

On motion of Mr. Johnson, the rules were suspended, the bill was read second time by caption and ordered engrossed.

On motion of Mr. Triplett, the rules were suspended, the bill was read third time by caption and passed.

Mr. Foote called up Senate Bill No. 48, to fortify land titles, which was read first time.

On motion of Mr. Foote, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Mr. Foote, the rules were further suspended, the bill was read third time and passed.

The Speaker announced that he was requested to inform the House of the offer of the Texas Express Company to convey, free of charge, to their various destinations, the

blanks which the Superintendent of Public Instruction had requested members to take with them to the counties of their districts.

On motion of Mr. Smith of Grimes, the thanks of the House of Representatives were returned to the Texas Express Company for their kind offer.

Report from the Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House Bill No. 527, entitled, An act to ascertain the deficiencies of the several Departments of the State for the fiscal year ending thirty-first of August, A. D. 1874, and amounts due individuals, and to appropriate money to pay the same, and presented the same to the Governor for his approval this day at 8:50 A. M.

G. B. PICKETT, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House Bill No. 445, entitled "An act making surveyors responsible for altering or changing established lines in certain cases," and presented the same to the Governor for his approval this day at 8:50 A. M.

G. B. PICKETT, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House Bill No. 154, entitled "An act amendatory of an act entitled 'An act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railroad Company,'" and presented the same to the Governor for his approval this, the second day of May, 1874, at 10 P. M. o'clock.

G. B. PICKETT, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled House Bill No.

517, entitled "An act to incorporate the Orange and Bolivar Point Railroad Company, and aid in the construction of the same," and presented the same to the Governor for his approval, this, the second day of May, 1874, at 11 o'clock P. M.
G. B. PICKETT, for Committee.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined and compared; and find correctly enrolled, House bill No. 514, "An act to incorporate the Houston and East Texas Narrow Gauge Railroad Company, and grant State aid thereto;" also, House bill No. 402, "An act to amend sections nine, ten, eleven, fifteen, seventeen, twenty, twenty-two and thirty-eight of an act to establish and maintain a system of public free schools in the State of Texas," passed April 30th, 1873; also, House bill No. 131, "An act to authorize the Liberty Fire Company No. 2, of the City of Houston, to raise, provide for, and administer a Charity Fund;" also, House bill No. 414, "An act defining the boundary line between Hopkins and Wood counties, and presented the same to the Governor for his approval, this the 2d day of May, 1874, at 5 o'clock P. M.
G. B. PICKETT, for Committee.

Mr. Storey offered the following resolution :

Resolved, That the Journal Clerk of this House, Mr. Thos. Pilgrim, be retained for ten days after the adjournment of this Legislature, to make the necessary revision of the journals before publication.

The resolution was adopted.

The following communication from His Excellency the Governor was received and submitted to the House.

EXECUTIVE OFFICE, STATE OF TEXAS, }
Austin, May 4, 1874. }

To the Honorable House of Representatives of the State of Texas :

GENTLEMEN :—I herewith return, without my approval, House bill No. 514, being an act to incorporate the Houston and East Texas Narrow Gauge Railroad Company and grant State aid thereto.

My objection to this bill is that no forfeiture of the charter of the Company proposed to be created, is provided for

in the event of a failure of the Company to build the road according to its terms. It is true that section sixteen of the bill provides that twenty-five miles of the road shall be constructed within two years from the date of organization of the Company, but a failure to do this is not made to work a forfeiture of the charter. It has been the uniform policy of the State, in granting railroad charters, in view of the fact that additional legislation would otherwise be necessary to enable the State to take advantage of the Company's non-compliance with the terms of the grant, to insert the forfeiture clause in the charter itself. I believe this a wise policy which should not be departed from, and therefore ask a reconsideration of the bill.

Very respectfully,

RICHARD COKE.

The veto message having been read, the vote passing the bill was reconsidered.

Mr. Barziza moved that the House proceed to pass the bill notwithstanding the objections of His Excellency the Governor.

The bill failed to pass over the veto by the following vote :

YEAS—Messrs. Abner, Anderson, Barziza, Beck, Brown of San Saba, Brown of Harrison, Chambliss, Epperson, Farrar, Galvan, Gellatly, Goodwin, Harris, Jackman, Jenkins, Johnson, Lea, Manning, Massey, McLeary, Pickett, Price, Reeves, Roberts, Simpson, Smith of Grimes, Storey, Stewart of Montgomery, Triplett, Walker and Watts—31.

NAYS—Messrs. Ballard, Bean, Bruce, Cain, Cardis, Cochran, DeMorse, Donald, Douglass, Eastland, Foote, Freeman, Harrison, Hart, Hayes, Helton, Kemble, Lindsey, Matthews, McCuiston, Mitchell, Meissner, Miller, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Rogers, Rosborough, Sadler, Smith of Travis, Stephens, Stuart of Falls, Von Biberstein, Watson and Wortham—37.

Report from the Committee on Engrossed Bills :

Hon. Gwy M. Bryan, Speaker of the House of Representatives :

Your Committee on Engrossed Bills have carefully compared House joint resolution No. 44, to have certain portraits of Washington, Houston, Austin and Burleson repaired.

L. J. STOREY, Chairman.

Mr. Watts submitted the following report which was ordered spread upon the journal.

Hon. Guy M. Bryan, Speaker of the House of Representatives.

Your Committee on the State Penitentiary, under a resolution of the House instructing them to "inquire into the accounts of the Inspectors of the Penitentiary since the day it was leased out, to ascertain what sums of money have been appropriated to said Penitentiary by the Legislature since its lease; into whose hands said appropriations have come; what disposition have been made of the same; and whether or not proper vouchers have been filed showing how said appropriations have been disposed of, and to inquire further what sums of money, if any, belonging to any convicts have come into the hands of any, or either, of said Inspectors, or any other person or persons, and also the name or names of said convicts, and what disposition has been made of said convict's money, and whether he is living or dead, now here make their report of the result of their inquest into said Inspectors accounts, to-wit: that they have duly examined the same as they appear filed in the office of the Comptroller of Public accounts.

First, in regard to appropriations: By an act passed on the twelfth day of April, 1871, at the first session of the Twelfth Legislature, page 24, Chapter XXXIII, it appears that the sum of \$15,000 was appropriated for the special purpose "of paying the salaries of the officers of the Penitentiary, then unpaid, and for the payment for cotton, wool and material purchased by the Financial Agent of the Penitentiary," and that under the general appropriation act approved May 1, 1871, first session of the Twelfth Legislature, page 105, two other several appropriations, each for the sum of ten thousand dollars were made, to pay the fees of sheriffs for the transportation of convicts to the Penitentiary.

The Treasury Warrants for these several amounts, in all the sum of thirty-five thousand dollars, were received from the Comptroller by the Inspector, J. W. Talbot, who placed them, together with an account of the debts then due to the Penitentiary from sundry persons, in the hands of his successor, the Hon. Edward T. Randle, on the twenty-fifth day of December, 1871. We find the accounts of Inspector Talbot made out by the hand of Mr. John S. Besser, (formerly Financial Agent of the Penitentiary) full, accurate and correct in every particular. Inspector Talbot also filed with the Comptroller, a duplicate

copy of the schedule furnished by him to Mr. Randle, his successor, showing the debts due by the Penitentiary on the twenty-fifth day of December, 1871, to various individuals, distinguishing in appropriate columns, the debts contracted for coin payments, and those payable in currency, for the salaries of the officers of the Penitentiary, and for the purchase of cotton, wool and other material for the manufacturing uses of that institution, for the payment of which said sum of \$15,000 was appropriated as before mentioned.

Said indebtedness, amounting in the aggregate to the sum of \$12,160 06, of which Mr. Randle has paid off the sum of \$8,454 96, leaving still due to various individuals, the total sum of \$3,705 10.

Against and to pay which, Mr. Randle has deposited in the hands of the Comptroller in Treasury Warrants, the sum of \$3,530 51, the same being part of the unexpended balance of said \$15,000 appropriation.

Upon inspecting Mr. Randle's accounts as Inspector, with the State, we find him to have received from the State three Treasury Warrants, which were duly paid at the Treasury, on February 6, 1871; one of said Warrants being for the sum of \$15,000, and two other Warrants each for \$10,000—\$20,000.....\$35,000 00

And from debts due to the Penitentiary:

From Judgment Scruggs, Esq.....	1,320 00
From Judge Burnett.....	103 65
From U. S. authorities for keeping prisoners....	744 50
	<u>\$37,168 15</u>

HIS TOTAL CREDITS.

By sundry vouchers filed with the Comptroller, in all, the sum of.....\$30,643 86

By Treasury Warrants filed with the Comptroller, part of the unapplied balance of the \$15,000, appropriation made for the payment of the debts due by the Penitentiary previous to December 25, 1871, to be paid over by Comptroller to the proper parties holding said debts.. 3,530 51

By his traveling expenses while visiting convicts employed outside of Penitentiary..... 667 50 \$34,841 87

Balance due the State by Inspector Randle..... \$ 2,326 28

There is no provision of law, authorizing an allowance to Inspectors for traveling expenses while inspecting the "treatment and discipline of the convicts," at the places where they may be employed by the lessees of the penitentiary, but it is obvious that he could not discharge the duties of his trust effectively, without doing so. Committee therefore have given him credit in account for this claim of \$667 50, subject to the revision and determination of the House.

Mr. Randle claims that he is entitled to some further credits, to-wit: For the interest that he has paid on the claims of the parties to whom the penitentiary was indebted, and also for payment of coin debts in their equivalent in currency, but as no vouchers, or any species of evidence of the facts alleged by him in these particulars have been filed, there is nothing before the Committee to authorize a credit to him therefor. Should he file the proper vouchers within a given time, with the Comptroller, subject to that officer's approval, he should have the due and proper credits for his claims.

Mr. Randle makes further claim for stationery and stamps, the sum of.....\$ 125 00

And for the services of a clerk, during the ten months of his incumbency..... 1,500 00

In all.....\$1,625 00

No vouchers or evidence, supporting these claims, have been filed, or exhibited. Committee are unable to perceive the necessity of these charges, or any provision of law authorizing them, or to see how so large an amount of stationery was required, the literary essays of the Inspector, extending no farther than monthly reports to the Governor, showing the "management of the penitentiary and the character of the treatment and discipline of the convicts therein." These reports have been examined by the committee and found to be models of official brevity. The services of a clerk do not appear to have been needed, the required disbursements of the appropriations named, having been made on printed forms and vouchers received from his predecessor, Talbot, as per his receipt therefor for convict money, \$2000.

It appears by the filed receipt for sundries given by Mr. Randle to General Talbot, his immediate predecessor, that he received this sum of money from that gentleman in his

official capacity. Mr. R., however, exhibited to the committee a paper of a testamentary character, written by the convict in view of death, in which he confides to Mr. R. the trust of keeping this sum of money for delivery to the convict's heirs.

A number of the vouchers for debts paid to creditors of the penitentiary, out of the \$15,000 appropriation, are informal—some of them not receipted; but Committee are satisfied that the amounts *specified in them* have been paid by him, and so report them to his credit, included in the foregoing statement of his credits.

Committee recommend that the Comptroller of Public Accounts be authorized to settle with Mr. Randle in terms of equity under the provisions of law in force.

They have prepared and submit for the action of the House appropriate resolutions in the premises.

C. B. STEWART, Chairman.

W. W. OXSHEER,

J. M. HARRISON,

H. MANNING,

M. H. MCCUISTON,

J. K. HELTON,

E. C. STUART,

C. S. JENKINS,

(By authority)

W. L. DENMAN,

P. S. WATTS.

The special order was announced, Senate bill No. 207, to provide for the disposal of certain lands belonging to the State of Texas, known as the Indian Reservation.

Mr. Epperson moved to postpone the further consideration of the bill to the first Thursday of the next session.

Mr. Douglass moved to lay that motion on the table, which carried.

Pending the reading of the bill, a message from the Senate announced the passage by that body of Senate bill No. 441, supplemental to "An act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875," passed May 2, 1874.

Senate bill No. 442, making an appropriation for extra clerical service in the State department.

House bill No. 533, supplemental to an act entitled "An act to incorporate the Orange and Bolivar Point Railroad

Company, and aid in the construction of the same," passed at the first session of the Fourteenth Legislature.

House resolution No. 44, to have certain portraits of Washington, Houston, Austin and Burleson repaired.

The bill having been read second time, Mr. Hayes moved the previous question, which was seconded and the main question ordered.

The bill passed to third reading by the following vote:

YEAS—Messrs. Anderson, Bean, Beck, Brown of Harrison, Bruce, Cain, Chambliss, DeMorse, Donald, Douglass, Eastland, Farrar, Foote, Freeman, Gellatly, German, Goodwin, Harrison, Hart, Hayes, Helton, Henderson of Smith, Kemble, Lindsey, Manning, McCuiston, Meissner, Miller, Murphy, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Sadler, Simpson, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Swain, Triplett and Watson—47.

NAYS—Messrs. Cochran, Edwards, Epperson, Galvan, Harris, Jackman, Lea, Massey, Mitchell, McLeary, Roberts, Stuart of Falls, Von Biberstein, Walker and Wortham—15.

A message from the Senate announced the passage by that body of House bill No. 532, to be entitled "An act authorizing counties, cities or incorporate towns to establish quarantine ordinances, rules and regulations."

Resuming the pending matter, Mr. Douglass moved to suspend the rules and put the bill on its third reading.

The House refused to suspend the rules by the following vote:

YEAS—Messrs. Anderson, Ballard, Barziza, Bean, Beck, Brown of Gregg, Brown of Harrison, Bruce, Cain, Chambliss, Delany, DeMorse, Donald, Douglass, Eastland, Foote, Freeman, Gellatly, German, Goodwin, Harrison, Hart, Hayes, Helton, Henderson of Smith, Johnson, Kemble, Lindsey, Matthews, McCuiston, Meissner, Miller, Nicholson, Oxsheer, Patrick, Patterson, Pickett, Price, Reeves, Rogers, Rosborough, Sadler, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stewart of Montgomery, Triplett and Watson—50.

NAYS—Messrs. Cochran, Edwards, Epperson, Galvan, Harris, Jackman, Lea, Massey, Mitchell, McLeary, Murphy, Roberts, Scott, Stuart of Falls, Swain, Von Biberstein, Walker and Wortham—18.

Mr. Pickett moved to take up Senate bill No. 441, supplemental to "An act to make appropriations for the support of the State government for the fiscal year beginning September 1st, 1874, and ending August 31st, 1875," passed May 2, 1874, which carried, and the bill was read first time.

On motion of Mr. Pickett the rules were suspended and the bill was read second time.

Pending the discussion a message from the Senate announced the passage by that body of Senate bill, No. 419, entitled "An act to authorize the Secretary of State to furnish stationery and all necessary supplies to the department for the executive, legislative and other departments of the government."

Resuming the pending bill, Mr. Smith of Grimes, moved the previous question, which was seconded and the main question ordered. The bill then passed to third reading.

On motion of Mr. Sadler the rules were suspended, the bill was read third time by caption and passed.

Report from Committee on Enrolled Bills:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, House bill No. 533, entitled "An act supplemental to an act entitled 'An act to incorporate the Orange and Bolivar Point Railroad Company, and aid in the construction of the same,'" passed at the first session of the Fourteenth Legislature, and presented the same to the Governor for his approval this the 4th day of May, 1874, at 10 o'clock A. M.

G. B. PICKETT, for Committee.

Mr. Rogers moved to take up Senate bill No. 306, better defining the powers and duties of sheriffs and constables.

Pending the discussion a message from the Senate announced that the following amendment to House bill, No. 527, "An act to ascertain the deficiencies of the several departments of the State for the fiscal year ending the 31st of August, A. D. 1874, and amounts due individuals, and to appropriate money to pay the same," had been adopted in that body with the other amendments to the bill, and having been omitted by mistake of the engrossing clerk, had not been reported to the House on Saturday,

but of right was a part of the amendments made by the Senate.

Amendment: That the clerks of all the departments employed from the 15th of February, A. D. 1874, be paid out of the appropriations in this bill.

Mr. Smith, of Grimes, moved to postpone the pending matter and take up the message just received from the Senate, which carried.

On motion of Mr. Smith, of Grimes, the House concurred in the amendment.

On motion of Mr. Miller, Senate bill No. 151½, for the relief of the heirs of James J. George, deceased, was taken up, read first time, rules suspended, read second time and passed to third reading.

Mr. Miller moved to suspend the rules and put the bill on its third reading. The House refused to suspend.

A message from the Senate announced the passage by that body of a Senate bill to appropriate the sum of three hundred and twenty-five dollars for the pay of clerks employed in the office of the Superintendent of Public Instruction from the sixteenth of February, 1874, to the first day of March, 1874.

House bill No. 530, to amend section one of an act supplemental to an act amendatory of "An act to encourage stock raising, and for the protection of stock raisers," approved May 1, 1874.

On motion of Mr. Gellatly, Senate bill No. 293, to authorize the Commissioner of the General Land Office to issue patents to the following leagues of land located in San Augustine county, in this State, between the thirteenth day of November and the first day of December, 1835, and to validate the same, was taken up and read first time.

On motion of Mr. Gellatly, the rules were suspended, the bill was read second time by caption and passed to third reading.

Mr. Gellatly moved to suspend the rules and put the bill on its third reading. The House refused to suspend the rules.

On motion of Mr. Cochran, Senate bill No. 442, making an appropriation for extra clerical service in the State department, was taken up and read first time.

On motion of Mr. Smith, of Grimes, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Storey, the rules were suspended and the bill was read third time. The bill then passed by the following vote :

YEAS—Messrs. Abner, Anderson, Ballard, Barziza, Beck, Brown of Gregg, Brown of San Saba, Brown of Harrison, Bruce, Cain, Cardis, Chambliss, Cochran, DeMorse, Donald, Douglass, Eastland, Epperson, Farrar, Foote, Freeman, Galvan, German, Harris, Hart, Jackman, Jenkins, Johnson, Lea, Lindsey, Massey, McCuiston, Mitchell, McLeary, Meissner, Miller, Nicholson, Oxsheer, Patterson, Pickett, Price, Reeves, Rosborough, Roberts, Sadler, Scott, Simpson, Smith of Travis, Smith of Grimes, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Watson, Watts and Wortham—53.

NAYS—Messrs. Hayes, Kemble, Manning, Matthews, Patrick and Walker—6.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled House bill No. 532, entitled "An act authorizing counties, cities, or incorporated towns, to establish quarantine ordinances, rules and regulations ;" also, House joint resolution No. 44, entitled "Joint resolution to have certain portraits of Washington, Houston, Austin and Burleson repaired ;" House bill No. 530, "An act to amend section one of an act supplemental to an act amendatory of an act entitled 'an act to encourage stock raising, and for the protection of stock raisers,' " approved May 1, 1874, and presented the same to the Governor for his approval, this the fourth day of May, 1874, at 11 o'clock A. M.

G. B. PICKETT, for Committee.

Mr. Simpson offered the following resolution :

Resolved, That the thanks of this House are hereby tendered to the Hon. Guy M. Bryan, Speaker of the House of Representatives, for his most courteous and honorable bearing as the presiding officer of this body during a long and peculiarly laborious session, and that the best wishes of this House for the health, long life and continued prosperity of our distinguished Speaker are hereby tendered him in this the closing scene of the first session of the Fourteenth Legislature.

The resolution was unanimously adopted.

Mr. Storey moved that a committee of three be appointed to act with a like committee on the part of the Senate, to inform His Excellency the Governor, that under a concurrent resolution, adopted by both Houses, the first session of the Fourteenth Legislature, would be declared adjourned *sine die* at 12 M. to-day. The motion carried.

The Speaker appointed the following committee: Messrs. Storey, Smith, of Grimes, and Smith, of Travis.

Mr. Smith, of Grimes, offered the following resolution:

Resolved, that the thanks of this House are hereby tendered to the chief clerk, W. C. Walsh, and all other officers and employees of the House of Representatives of the State of Texas, for the faithful, efficient and kind manner in which they have discharged the functions and duties of their respective offices, during the present session.

The resolution was unanimously adopted.

Mr. Cochran being in the chair, on motion of Mr. Goodwin, the House took a recess of five minutes. At the expiration of the recess the House was called to order.

Mr. Manning moved to take up Senate bill to appropriate the sum of three hundred and twenty-five dollars to pay the clerks in the office of the Superintendent of Public Instruction, from the sixteenth day of February, 1874, to the first day of March, 1874.

The motion carried and the bill was read first time.

On motion of Mr. DeMorse, the rules were suspended, the bill was read second time by caption and passed to third reading.

On motion of Mr. Manning, the rules were further suspended, the bill was read third time and passed by the following vote:

YEAS—Messrs. Anderson, Barziza, Beck, Brown of Gregg, Brown of San Saba, Bruce, Cain, Cardis, Chambliss, Cochran, Delany, DeMorse, Donald, Douglass, Eastland, Edwards, Epperson, Freeman, Galvan, Gellatly, German, Goodwin, Hart, Hayes, Helton, Henderson of Smith, Jackman, Johnson, Kemble, Lindsey, Manning, Massey, Matthews, McCuiston, Mitchell, McLeary, Miller, Murphy, Nicholson, Oxsheer, Pickett, Price, Reeves, Rogers, Rosborough, Roberts, Simpson, Smith of Travis, Stephens, Storey, Stuart of Falls, Swain, Triplett, Von Biberstein, Walker, Watson, Watts and Wortham—58.

NAYS—Messrs. Harrison, Jenkins and Patrick—3.

Mr. DeMorse offered the following resolution :

Resolved, That the thanks of this House are hereby tendered to the chaplain of this House, Rev. John T. Hillyer, for the zealous and efficient manner in which he has discharged his duty during the session.

The resolution was unanimously adopted.

On motion of Mr. Hayes the Clerk proceeded to read the journal of Saturday, pending which, Mr. Triplett moved to suspend the further reading thereof, which carried.

On motion of Mr. Triplett, the journal of Saturday was then adopted.

On motion of Mr. Triplett, the journal of this morning was adopted.

Mr. Storey offered the following resolution :

Resolved, That the Chief Clerk of this House, have the journal of to-day printed in some city paper, and that he draw upon the contingent fund to pay for the same, and that he also mail the number of copies due each member at his postoffice.

The resolution was adopted.

Mr. Stewart of Montgomery, who is afflicted with deafness, returned thanks to the Speaker and the House for the uniform kindness and courtesy which had been extended to him during the session.

The Speaker appointed the following committee to attend to the repairing and rehanging the portraits on the walls of the Senate Chamber and Representative Hall: Messrs. Storey, and Smith of Travis.

The Speaker then delivered the following valedictory address:

Gentlemen of the House of Representatives :

In response to your resolution of generous confidence and good feeling, it is appropriate for me to say that, I have faithfully tried to deserve both. If I have failed in a single instance to merit either, it has been the result of judgment, and not of intention.

I have the kindest personal regard for each and every member on this floor, and I can most truthfully say, towards no one do I harbor one unkind thought or feeling.

I have not in a single instance, knowingly, ruled or decided in reference to personal feeling. I have conscientiously tried to do my whole duty. I have not been absent

from this House a day, and I have given my whole time to the discharge of my official obligations.

I thank you gentlemen, and the clerks and officers of this House for their uniform, kind and considerate treatment.

I have never been associated with a more honest, laborious and patriotic legislative body, and it will be my delight to meet with you here again, next session.

On the thirteenth day of last January, we met in this hall for the first time. The government then, was in the hands of those who refused to relinquish it; but, by prudence, firmness and forbearance, representative government was re-established, and the chosen officers of the people were installed.

When you return to your constituencies, remind them of this, and point to the condition of our neighbors, Louisiana and Arkansas, and tell them "to make haste slowly" in organic changes, for it is easier to pull down than to rebuild. Your difficulties have been numerous and hard to surmount—with empty treasury, heavy indebtedness, deranged departments, etc.—difficulties, all of which you have not overcome, but with which, at the next session, you will be better prepared to grapple; then, I hope, you will be able to lay the capstone of reform.

If you have not achieved all that was expected, you have done much to merit the confidence of the people. And we ask them to be generous and discriminating in their judgment, and to let time prove the efficacy of our acts.

Gentlemen, may glad faces and bright eyes greet you on your return to your homes. We part now as friends; we will meet hereafter as brothers. May God bless, protect and have you in his holy keeping.

The address was received with general applause.

The Chaplain then closed with the following remarks and prayer:

Mr. Speaker and Members of the House of Representatives:

I thank you for this privilege. I could not bid you farewell without desiring to express my gratitude for the favor which your appointment conferred upon me. Your uniform kindness towards me has rendered my position an easy one, and our social relations have been very pleasant to me. And, gentlemen, believe me sincere, and free from

any attempt to "flatter with feigned words," when I say that the intelligence, dignity, and above all the high moral tone of this body has made me proud of my position. I cannot but congratulate myself on being thus connected with the Fourteenth Legislature. For all this you have my profound respect and sincere gratitude.

You commenced your session under the clouds. The storm threatened, the sky grew murky, and the thunder muttered. But they passed, and the storm was not permitted to break. And I saw a vision. As that dark cloud rolled off in the distance, God seemed to arch up upon its bosom his beautiful bow of promise, and, as I thought, confirmed to us his covenant that the floods of oppression should no more go over us, and when the sky became clear, it was my privilege to return thanks for the blessed calm and the sweet tranquility which it left to reign above us.

You have passed through a long session, and your anxieties and your labors have been very great and your patient endurance very remarkable. But now your labors have been brought to an end, and your action will go to your constituents to meet, as we trust, their hearty approval. We now must separate, but not in sadness, for we hope to meet again—not in sadness, for you are returning to your homes.

Man, through all ages of revolving time,
Unchanging man, in every varying clime;
Deems his own land, of every land the pride,
Beloved of Heaven o'er all the world beside;
His home the spot of earth supremely blest,
A dearer, sweeter spot than all the rest,
Where brighter suns dispense serener light,
And milder moons emparadise the night.

To those dear homes you are now returning, and may God speed you on your way.

Before we leave these halls, we owe a debt that must be paid—the tribute of one sad thought to the memory of Judge Smith, of Houston county, whom we bore hence to his desolated home. His voice and step will resound no more along these aisles. Peacefully may he sleep, and joyfully wake in the resurrection of the just.

And now, may God go with you and keep you; may he give you health and prosperity; and at the appointed time bring you together, refreshed and invigorated, for the ac-

complishment of the great work to which the country has called you. Amen.

At the close of the prayer, at 12 M., the Speaker declared the House of Representatives of the Fourteenth Legislature adjourned to the second Tuesday in January, 1875, the day appointed by law for the next annual session thereof.

Approved:

GUY M. BRYAN,
Speaker of House of Representatives.

Correct:

W. C. WALSH,
Chief Clerk House of Representatives.

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